

THE
HISTORY
OF THE
UNION

Of the four famous Kingdoms
of ENGLAND, WALES, SCOT-
LAND and IRELAND.

Wherein is demonstrated, that by the pro-
wess and prudence of the English,
those four distinct and discordant Na-
tions, have upon several conquests been
entirely united and devolved into one
Commonwealth, and that by the
candor of clemency, and deduction of
Colonies, alteration of Laws, and com-
munication of Language, according to
the Roman rule, they have been main-
tained & preserved in peace and union.

*Quis ille tam confidens, aut tantis serviciis, qui
audeat historiam usquequaque veram scribere?
Lips. l. 3. c. 11.*

*Qui non libere veritatem pronunciat, proditor veri-
tatis est. Cok. l. 31, l. 83.*

By a lover of truth and his Country.

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to be sold at the three Bibles at the West
end of Pauls. 1660.

NOTICE

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To the Right Honourable *William Lentball*
Esq; Speaker of the
PARLIAMENT of
the Commonwealth
of England.

Right Honourable,

IT is ascribed
to Sir *William*
Paulet for Pru-
dence, that in
four several Kings and
Queens reigns, which were
obnoxious to perillous
Innovations, he demeaned

A 2

him-

The Epistle

himself so observantly
and cautiously in those
tempestuous and dangerous
times, that he constantly
held his head above water,
and augmented his advancement,
when numerous Noble
personages were plunged
in their abyss: And have
not there happened almost
as many pernicious
mutations and factions
within these few years in
this State, as were in the
Roman Republique for
the space of five hundred?
wherein your Honour
hath so circumspectly and
vigi-

Dedictory.

vigilantly steered your course, that you have not only shunned shipwrack, which many others did suffer, but have also fixed your bottom in the harbour of felicity, and at this present with the applause and approbation of all men, do sit at the helm of this Commonwealth.

*Istuc est sapere, qui ubicunq; opus sit Terent
(animum possit flectere. Hecyr.*

And the Author cordially Sir Will.
wisteth that you may e- Paulet
qual, if not exceed the lived
years of that famous within 3
Councillor of State, that years of
one hun-
dred.

The Epistle

(as he did) by your grave direction and sage advice to the great Council of this Commonwealth, and by its provident resolves, Tranquillity and peace may be settled in these Nations, and a firm Union established and preserved in them. To which purpose the Author hath been induced to present to your Honour this impolite History concerning the Union of these Nations, as *Marcus Terentius Varro* did his Book *de origine lingua Latina* to *Marcus Tullius Cicero*, not
by

Dedicatory.

by way of instruction to
admonish you, but by way
of reference to be censu-
red by you as an equal ar-
bitrator, whether it be
worthy of the publique
light, and may tend to the
publique good, which is
the butt & burthen of his
labours; wherein he hath
had an especial care accor-
ding to his skill; that as *Pos-
libius* prescribeth, *soli Ve-
ritati litaret*, he should
sacrifice solely to truth;
and that neither for any
sinister conceit he should
detract from any, or for
any favourable respect
flatter

The Epistle.

flatter any, but to portra-
it every person accord-
ing to his just propor-
tion: And if it be con-
ceived that in some
passages he hath acciden-
tally slipped, seeing he
hath endeavoured to as-
cend the higher and slip-
pery places, he hopeth
well that your Honour
will be pleased to pardon
his slips and over-sights,
they proceeding from
imbecillity and not per-
tinacy, and to cover them
with his good intention:
& that you will be as equal
towards him, as he is to-
wards

Dedicatory.

wards the great God,
whom he knoweth not to
have given all things
to one man. So be-
secching the Almighty
to lengthen your days to
the great good of this
Commonwealth, he sub-
missively taketh his leave.

Your Honours most
devoted Servant.

M. H.

For many
wards the great God
who hath wrought
have given all things
to one man. To be-
lieving, and Almighty
to lengthen your days to
the great God of this
Commonwealth, he sub-
missively taketh his leave.

Your Honour's most
devoted servant.



To the
READER.

Most men are naturally prone
to applaud the
times behind
them, and to vilifie the
present; as the Poet,

Hoc hodie ingenium ^{Clapmar.}
est multis, ut tempora
(prisca
Anteferant nostris, tantum
laudentque quod
(absit.

To the Reader.

And upon the dislike of every present Government are desirous of a change, & like the fish Sepia trouble all the waters wherein they live : whereas all
Rom. 13. 1. Government is of God, whether Monarchical, Aristocratical, or Democrati-
Dan. 2. 21. cal, who at his pleasure changeth the times and seasons, and removeth and setteth up Kings ; and therefore ought all Gods people to submit and vail to his irresistible will, and to be obedient to the present Government introduced by his providence : whence may be
inferred

To the Reader.

inferred, that those are of a
serpentine and divelish
disposition, who by seducing
pamphlets, and captious
conceits, imploy their turbu-
lent spirits to scatter the
seeds of sedition, and to
foment commotions in such
novel states, not with an
intention of the publick
good, as they gloriously
pretend, but to make way
for their peculiar interest
and presumptuous prefer-
ment; wherein doubtless
Cœlum irritant armis,
they vainly make War with
Heaven, and irritate the
divine vengeance to their

To the Reader.

dismal confusion, who delighting to fish in such Stygian and troubled waters, Sæpe piscatores capti sunt are commonly caught in their own net, and like ambitious bees drowned in their own honey. Examples of which we need not seek from forraign parts, our Nation affording too many, who through such desperate and dangerous insurrections have wrought the ruine of their generations and themselves: and not to speak of the last combustion which is like to produce the same effects and forfeitures, the
Author

To the Reader.

Author wisheth in General
Quod isti piscatores sapi-
ant ; that being struck
with this Scorpion they
may cautiously avoid the
like danger, and wisely
shun such destructive pra-
ctices : for it is not his drift
to trample on the afflicted,
nor to upbraid any one
with the commemoration of
their preterit exorbitan-
cies, but to draw every one
within the circumference
and list of peace, amity,
and union. For what an hor-
rid and inhumane spectacle
hath it been, and still is to
see, that the English Nation

To the Reader.

which hath alwaies been accounted fierce against their foes, and faithful to their friends, shall now become more fierce and faithless one against another, and sheath their swords in their own bowels; such an unsociable and unnatural War, producing the extirpation of many noble families and tending to the destruction of the whole Nation. Wherefore for our own and countryes safety, be exhorted and perswaded (that whereas by the unanimous valour and constant circumspection of the English those three valiant

To the Reader.

liant Nations of Wales,
Scotland, and Ireland,
have been totally vanqui-
shed and entirely united into
one Commonwealth with
England, and at this pre-
sent made a firm quaternity
and invincible phalanx a-
gainst all forraign Forces)
to set aside all civil dis-
cords and discontents, and
to remove them as far
from us.

Quantum Hyspanis Veneto
(dissidet Eridano,

As far as Scythia dissidet
from Italy, or Spain from
Brita-

To the Reader.

Britanny, and to bend and
unite our national Forces
against our forraign and
outlandish Enemies; that
thereby we may live in
unity and safety among
our selves. For as we are
instructed by Philosophy;
that there are two princi-
ples of all things, Concord
and Discord, the one di-
ssolving and consuming
all things; so are we taught
by it's Mistresse Experience
that petty states are by
Concord and union augmen-
ted, and grand ones by
Discord and Disunion
brought

To the Reader.

brought to confusion, as
the Poet presby.

Discordia gaudet
Permiscere fretū coelo. *Sil. Ital.*

Vale atque his utere
(mecum.

Ode

Robinson, O.T.
*Ode Triumphalis ad gratiam
Ad laicè Dominantem Angliam.*

A Ngusta laurus palmaq; vilior,
Quæcunque priscis gratia ho-
noribus,
Sordescat ad famam potentis,
Anglie & indomiti Britannii.

Jam Roma pallet, jam stupet ardua
Incepta nostrum, *Cæsaris* & pudet,
Nunc irritos dolens labores
Agricolam tacet & *Severum*.

Quocunque vertis terribilem ma-
(num
(O Diis amata & gens celeberrima)
Spissæque debiscunt Phalanges
Et trepidæ recidunt catervæ.

Diæ Terminales sedibus exulant
Arisque cedunt quas sibi sæcula
Ignota rite consecrarunt
Atque tuum fugiunt *Triumphum*.

Fatis negatam pergere, gloria
Honorq;

Honorq; nostri Temperis, invidam
Transgressus ea tandem Colum-
Afferuit metuendus, *Ultra.* ^{(nam}

Neptunus alto fridet in æquore,
Tethysque late brachia porrigit
Nymphas ut omnes consalutet,
Limite nec remoratur ullo.

Se prima victam plorat *Hibernia*,
Et mox *Hiberno Cantaber* additus
Post rupta pacis bellicue jura
Fadifragus luit inde *Scotus*

Lætatur *Anglus* jam numero pari
Cui regna subsunt quatuor, annuant
His Fata, quatuor ut per orbis
Promoveat sua sceptrā *Partes.*

Sic Vaticinatur.

J. H. Stu. Eccl. Chr. Oxon.

Errata.

PAge 3. line 21. read *abused*. p. 20. l. 12.
dele *and*. p. 35. l. 19. for *prafecto*, r. *pro-*
fecto. ibid. l. 12. for *they*, r. *that*. p. 48. l. 27.
for *fellows*, r. *followers*. p. 51. l. 3. r. *reproba-*
vit. p. 53. l. 14. r. *and is*. p. 80. l. 1. r. *thereto*.
p. 110. l. 19. r. *and so*. P. 114 l. 2. for *affinity*, r.
serenity of air. ibid. l. 18. r. *Islands*. p. 117.
l. 21. dele *in the Parliament*.

The



THE
HISTORY
OF
The four famous King-
doms, ENGLAND, WALES,
SCOTLAND, and
IRELAND.



*N*on is the ornament
and muniment of
the Universe, which
is so orderly and
closely conjoyed,
as no vacuity or
breach is therein admittable, which
maks it so perpetual ; for which or-
derly union it is by the Septuagint
called *κόσμος* and by the Latins
Mundus that is beautiful. For
order and union adorn all things,
for which reason that glorious and
orderly Artifice is by the holy Ghost

B

filed

Genes. Ch.
3. v. 1.

filed an Host, or Army, and as the vulgar translation truly terms it, *Exercitus*: *Itaque perfecti sunt caeli, & terra, & exercitus eorum*; for no battles or phalanx can be more firmly rank'd and united, or better governed (as *Delvins* on that place paraphraseth) then the creatures in Heaven and Earth are disposed, knit together and ruled: and nothing is so comely or constant, nothing so ready and obedient to their Creator, and King, at whose word and wink they take Armes against the impious, and (in a heavenly posture) unite themselves to fight his battles; when, as the Wiseman saith, he is pleased to make his creatures his weapons for the revenge of his enemies.

Wisdom.
5. 7.

And as the divine power is the general Architector of union in the frame of the universe, so is he the particular Author of order, and union among men; to whom (above all Sublunary creatures) he communicated his similitude, and a natural inclination to order, society,

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ty, and unity: For after the Lord God had framed man of the dust of the ground, (or of red earth, as *Iosephus* expoundeth it, whence *Ioseph* he was called *Adam* which signifies red,) and instilled and breathed into him his own image, and then also made him the Monarch and Lord of all the world, subjecting all things to his power, order, and dominion, as the *Psalmist* saith, *omnia subiecit pedibus ejus*, and afterwards conjoynd unto him as an Adjutor, like unto himself, the woman as his Associate: From which equality did proceed a common power to the man and wife over their family, which is called *Domestica potestas*, or *oeconomia*, according to the Offices of each Sex: But because the woman abuse her common power and wrought mischief to the man, she was (for the future) made subject to the man, and the man had *Maritalis potestas* over the woman. And it is not to be doubted but that if *Adam* had persisted in his integrity, and being

Antiq. lib. i. c. 2.

Psal. 8.

Tholosanus Syn- tag. lib. 11.

cap. 2.

(4)

Pav. am
in Gen. I.
28.

confirmed, had multiplied his generations, but that God who is *Pater ordinis*, would that in order one to the other, there should have been an inferiour, and a superiour; And that *Adam* who was *Pater omnium Viventium* should have a paternal power over all mankind, by the law of nature, as over a great family, and that there should have been a civil dominion, and subjection, but altogether voluntary and comfortable; and a *Politeia* and government, and a decent order and union among men without any servile constraint, or coercion according to the law of nature; in which those that ruled should freely advise, and those who were subject should freely obey, and not that one man should lord it, or domineer over another. For such lording rule and servile subjection were introduced after the fall of *Adam*, when servitude began to be a just punishment for sin, when force and fraud (the venomous seeds of sin) had spread themselves
over

over the face of the earth ; when
 latrocines, and rapines, murders,
 and homicides reigned in the
 hearts and hands of men, and
 threatened destruction to all man-
 kind, the sword of each devouring
 other, which caused a separation
 and disunion among the Sons of
 Men. Then necessity brought in co-
 ereive and controlling dominion,
 which by the sword and force might
 curb and restrain such malefactors
 from perpetrating such violent and
 inhumane injuries ; and either to
 punish them with death, or reduce
 them to a civil life and union. To
 which purpose God raised Nimrod
 (for all power is of God) who ex-
 celling others in vigour of body
 and virtue of mind, by his huma-
 nity and relief to such injured and
 abused persons, procured to him-
 self a potent Army, with which he
 subdued all the lawless and mis-
 chievous routs and multitudes.
 And therefore is he said to be a
 mighty hunter before the Lord, not
 onely, because he excelled in might,

*Chryso-
 stome
 Musculus
 Cornelius
 de lapide.
 Parvus
 Genes. 10.*

*Melchior
 canus
 Chryso-
 stome
 Cornelius de
 lapide
 Parvus
 Genes. 10.*

but because that he *nitu & dudu*
Dei through the divine impulse, and
 conduct, did subject the rude and
 barbarous Nations to the sway of
 his Scepter, and stoutly rul'd them
 by the power of his sword; who of
 the heathen writers is called *Belus*,
 as by ours *Nimrod*, and affirmed to
 be the same man that did build
 the Tower, and took upon him a
 new Empire over rude people as
Petavius observeth: He also by
Testatus is said to be the first King,
 because we read in holy Writ of
 none who reigned before him; and
 by other Historians that he was the
 founder and head of the *Assyrian*
 Empire, and was the first that com-
 posed many barbarous Nations in-
 to the civil and moral body of one
 Commonwealth: For as *Grotius*,
plurium populorum idem potest esse
caput, there may be one head of
 many people, which single people
 notwithstanding have a perfect
 commonalty: for it is not in a mo-
 ral body as in a natural, where
 there cannot be one head of many
 bodies

Petavius

ration.

Temp. lib.

2. fol. 100.

Testatus in

Genes. 10.

Petavius

ib.

Grotius

de J. B.

& P. lib.

1. cap. 3.

bodies, but in a moral body the same person may be head of many distinct bodies: And it were to be wished that the whole world were governed by one head in unity as it should have been by *Adam* if he had persevered in his perfection. But sin by his delinquency entering into the world, hath sown the seeds of discord among all Nations, that since one head could never be established over them all, nor an unity settled by the most potent and sagest Princes and people, though some have had the ambition to effect it; and one vainely wished that there were more worlds to conquer and yet could not settle two Kingdoms in union; for so perverse & crooked are all Nations and so prone to discordancy and martial occurrences, that no prowess nor prudence can continually contain them in obedience and unity, nor no compact nor league can preserve them in mutual amity, but that they will upon some feigned pretence break out into im-

pious Wars and martial defiance
which is an Epidemical and incur-
rable contagion in this world, as it
is Emphatically and divinely ex-
pressed by the Prince of Poets.

Virg.

Georg. l. i.

Quippe ubi fas versum atque nefas
(tot bella per orbem.
Tam multa scelerum facies, non
(nullus aratro,
Dignus bonos, squalent abductis
(arva colonis,
Et curva rigidum falces conflan-
(tur in ensem,
Hinc movet Euphrates, illinc Ger-
(mania bellum,
Vicina ruptis inter se legibus ur-
(bes,
Arma ferunt, saevit toto Mars im-
(pius orbe.

Howsoever, though it be an at-
tempt above possibility to reduce
all Nations into a conformable uni-
ty, yet is it an heroical, and glori-
ous enterprise so far as may be. to
proceed in bringing it to perfection
that thereby the lesse rapins, blood-
sheds

(9)

sheds, and slaughters may happen between them, and at the least in some parts of this Orb there may be a resemblance of another Paradise for peace and union on earth. And for such atchievements many victorious *Heroes* have received immortal praise and glory, and are registred in the monuments of fame, as *Nimrod, Ninus, Joshua, David, Cyrus, Alexander*, and the martial *Romans*. Seing then it is such a Divine and noble action to unite divided Nations, it is worthy our study and diligence to examine by what means it may be obtained: and though the Author finds no beaten path to follow, nor publick pattern to imitate, yet it may be collected out of *Classick Authors*, that there are three common principles by which Princes and Commonwealths have been instructed to enterprize that design.

The first is by leagues, of which in Commonwealths there is great necessity and utility, for *unita virtus fortior, & hosti terribilior*, and
by

*Scorber-
nerius Po-
lit. lib. 4.
cap. 34.*

Flor. li. 2.
cap. 16.

Florus
l. 1. c. 3.

by the mutual conjunction of their minds, the one may in danger assist the other and defend each other against their enemies; and is properly called peace when by treaties and agreements it is made and established, which was in prime practise among the Romans, and very profitable unto them. For as Dion saith, they by imparting aid to their friends and confederates obtained the Empire of the whole world; the reason of which Florus giveth, *Quia summa fœderum Romanis religio fuit*, for that the Romans very religiously and devoutly observed their leagues. A notable example of which we have in *Mitius Saffetius* whom *Tullus Hostilius* for breaking of a league commanded to be bound fast between two Chariots, and drawn in pieces by swift and violent horses. A formidable example of which in sacred writ, we also read: as *Simeon* and *Levi*, the sons of *Jacob* were cursed by their father at his death, for that they had violated their league made with

with *Sichem* and *Hemor* when they destroyed them and all their City contrary to their covenant. In like manner the punishment of God upon *Sauls* posterity was memorable for his breach of league, which *Josua* made with the *Gibeonites*; when as three hundred years after *Josua*, seven of *Sauls* children and family were delivered into the hands of the *Gibeonites*, and crucified by them in punishment of *Sauls* offence. And though leagues among all Nations be honourable, and sacrosanct and not to be violated by humans and divine Laws, yet are they commonly but temporary and for a time; and made for utility and not for amity. For as *Livy*, *Communis utilitas est nodus, & vinculum federis*, common utility is the knot and band of league. And as the societies of men were first constituted for utility, so are the unions by leagues for utilities sake, which failing, that band and knot is broken or cut in sunder. And there are too many *Machivilians* in these latter

latter and impious times, who allow perfidiousness and breach of faith in Princes, and that it is necessary sometimes for the benefit of a state; which makes the unions by leagues to be lesse permanent and obnoxious to mutability, according to the aforesaid complaint of the ingenious Poet.

Virg.
Georg. 1.

*Vicina ruptis inter se legibus urbes
Arma ferunt.*

Clapmar.
de arc.
imp. lib. 4.
cap. 4.

The second union of Kingdomes is compassed by marriages and affinity, & therefore as an acute Statesman *Matrimoniorum magnorum principum maxima cura esse debet.* There ought to be the greatest care of the marriages of great Princes, for that from them Wars begin and again cease, and unions of Kingdomes by such descents sometimes happen: But such unions also are not frequent, nor many times very constant. And though the Kingdome of *Spain* and House of *Austria* have had the felicity to flourish

flourish for many years by such
 unions and affinities, yet hath *Portu-*
gal lately fallen from them, and
 the rest may be supposed not to be
 perpetual. And in the most flour-
 ishing Kingdom of *France* are such
 titles of descent, claiming by the
 feminine sex, barred by the law
Salique which was made by *Phara-*
mond King of the *Franconians*, and
 amended by *Clodoreus*, *Childericus*
 and *Lotharius*; by reason of which
 law alwaies in the Kingdome of
France, as the *Franconians* institu-
 ted, the issue male, the female issue
 being exeluded, have held the Scep-
 ter. Which law and custome ha-
 ving been controverted hath been
 divers times by sentence confirmed,
 and by arms and reasons approved.
 Especially against *Edward* the third
 King of *England*, who for that he
 drew his pedigree by a female
 (though he was the nearer in blood;) *Phelip. le Bell* (the next Heir Male)
 was by the law *Salique*, preferred
 before him: which exeluding fe-
 males was adjudged to exelude all
 the

Tholosanus
Syntag.
lib. 45.
cap. 4.

the descendents by females; and therefore was *Philip* received and crowned King of *France*, and *Edward* the third, because his Kingdome was not then settled, and he but young, did homage to King *Philip* for the *Dutchy of Guyen* and other territories in *France*: though afterwards when he had arrived to the years of maturity and manhood, upon more mature deliberation of the partial interpretation of that law and the instigation of the *Earl of Artois* (a great Peer of *France*) affirming that he had more right to that Crown than the other, he by *Armes* attempted to recover and conjoyn that Kingdome to the Crown of *England*; and by his invincible sword obtained many wondrous victories. But he yielding to Fate before he had accomplished his intention, his successors *Henry* the 5th. and *Henry* the 6th. renewed the said honourable War, and by their victorious *Armes* so prevailed, that *Henry* the 6th. was Crowned in *Paris* King of *France*,
and

and had finish'd that glorious work, whereby the Kingdome of *France* had been annexed and united to the Kingdome of *England*, but that the civil Wars between the houses of *York* and *Lancaster* in *England* impeded the same, as *Philippus Comineus* (Secretary to *Lewis* the 11th. King of *France*) ingeniously acknowledgeth; by which disaster the hopeful union of the Kingdome of *France* with the Kingdome of *England* by marriage, unhappily was prevented and utterly frustrated.

And as for the inconstancy and deficiency of such unions, I will onely instance in one which was thought most happy and durable in this Nation; and that was the union of the two famous Kingdomes of *England*, and *Scotland*, transacted by *James* the 6. King of *Scotland*, who was by marriage lineally descended of the Lady *Margaret* Eldest Daughter to *Henry* the 7th. King of *England*, and Eldest Sister of King *Henry* the 8th. Father
of

of *Elizabeth* Queen of *England*, by whose decease she being the last of issue of *Henry* the 8th. the Kingdom of *England* did lineally and rightfully descend to the said *James* King of *Scotland*, by which natural conjunction those two discordant Kingdomes of *England*, and *Scotland* were fortunately and peaceably united under one imperial Crown.

An union magnified, and applauded of both Nations, and yet not lasting above one descent: The *Scotch* revolting first, and then the *English*, to the confusion of both Kingdomes, and changing them both into one Commonwealth; which verifies the *Italian* proverb: *Kings may wed, but Kingdoms never.*

The third union of Kingdomes is by conquest, which is most general and more durable. For as *Sir Francis Bacon*, the most part of unious and plantations of Kingdomes and Commonwealths have been founded by conquest which is manifested as well by forraign
Annals

Annals as by native occurrences, as by the sequel will appear. But not to entrench upon your patience by the tedious relations of the unions of Nations which were made by the conquests of the *Assyrians*, *Medes* and *Persians*, and *Gracians*; I will insist only on those that were gained by the glorious sword of the *Romans*, which for extent and duration surpassed all the rest.

The *Roman Commonwealth*, and Empire for the extents and dignity of it, is by the *Civilians* called *Caput & sedes imperii orbis*, and by *Athenians* *ἐντολή τοῦ κόσμου*, the head, seat, and Epitome of the Empire of the whole world, according to the verse.

Orbem jam totum victor Romanus
(habebat.

And therefore did the Emperors sometimes stile themselves *Domini mundi*, the Lords of the world, which speeches though *Grotius* saith
are *per excessum & excellentiam* *Grotius de J. B. & P. lib. 2. cap. 22.*

G

dicta,

Bodin de
Repub. lib.
1. cap. 9.

Patritius
de Prin-
cip. lib. 1.

dicta, spoken by the excess and excellency, and Bodin that in Trajans time when it most flourished *Vix trigessimam orbis terrarum partem completi potuisset*, it scarce could contain the thirtieth part of the whole earth, yet it is doubtful to none but that it did contain the best and most flourishing parts of Europe, Africa, and Asia in Cæsars time, *Cujus solum nomen Parthorum & Indorum Reges summum capere non sinebat*: whose fame only would not permit the Kings of the Parthians and Indians to sleep which were the remotest parts of Asia; at which time the Roman Empire was in its youthful strength and robust maturity as Florus saith. *Hic jam ipsa juvenia imperii, & quasi quedam robusta maturitas*. But to demonstrate how by degrees it rowled up to such a vast greatness; and first because commonly irreconcilable contests, and contentions happen between vicine and bordering Nations as the Poet.

Inter

Inter finitimas vetus atque antiqua Juvén. Sat.

(Simultas, Tyr. 15.

Immortale odium, & nunquam

(Sanabile vulnus,

The Romans did first augment
their state, by the conquest and u-
nions of their neighbouring Coun-
tries as Nixus did, *Qui primus bellum* Justin l. 1.

intulit finitimis, who first made War
with the borderers, and so as Caesar

saith, did the Germans who deemed

it *proprium virtutis*, an especial

virtue to expel their neighbors from

their fields, and not suffer them to

dare to consist near them. For so

saith he did they think themselves

more safe *repentine incursionis timo-*

resublati, the fear of sudden in-
cursions being taken away, for which

reason *Daneus* propounds this for

an Aphorisme. *Vicini populi nimirum*

crescentis potentia, mature est

quacunque occasione deprimenda,

The power of a too-much-increasing

neighbour is speedily upon any oc-
casion to be suppressed.

Which therefore was the constant

Florus
l. 2. c. 1.

course the *Romans* steered, in their first march to subdue their potent neighbours, and by which work they made way for the Conquest of the other parts of the world. For after they within the space of five hundred years, with much difficulty had brought into subjection the *Sabins*, the *Albanes*, the *Latines*, and all other the adjoining people of *Italy*, and so became *Caput Italiae*; & within the two hundred years following, with their victorious arms did they overcome *Africa*, *Europe*, *Asia*, and all the world, and were therefore worthily intituled *Caput totius orbis terrarum*.

Tacit.
Ann. l. 11.

And as the *Romans* by valour did subdue their enemies bodies, so by their wisdom did they subjugate their minds, which was the greatest victory; and by degrees reduced them into a sociable union with them, and of enemies made them their friends and Citizens. As *Claudius* in *Tacitus* saith of *Romulus*, *Conditor noster Romulus tanta sapientia*

entiâ valuit, ut plerosque populos eodem die hostes, dein cives habuerit.

Our founder *Romulus* was of so great wisdom that the same day he handled the same people as enemies, and then intreated them as Citizens. And so *Livy* and *Florus* Liv. li. 1. Flor. li. 1. relate of *Tulus Hostilius* that after he had subjected the *Albans* which cap. 3. a long time before were a dangerous and principal Enemy, he ruined and dismantled *Alba*, and transferred and carried away all the goods, and the people themselves to *Rome*, by which the number of the Citizens was doubled, *ita ut prorsus in suum corpus rediisse rursus videretur*: so that it altogether seemed again to have returned into its own body. Many other examples are extant in the Histories of the *Sabins*, *Latins*, and others of *Italy*, which as *Cicero* in the defence of *Balbus* saith, was the foundation of the Roman Empire, *Illud certe sine dubitatione nostrum fundavit imperium, & populi Romani*

nomen auxit quod princeps, & creator urbis nostre Romulus federe Sabino docuit, etiam hostibus recipiendū augeri hanc civitatem oportere, cujus authoritate & exemplo nunquam est intermissa à majoribus nostris largitio, & communicatio civitatis. That without all doubt did chiefly lay the foundation of the Empire, and augment the honour of the Roman Empire, that the Prince, and Creator, of our City, Romulus, did by the Sabine league instruct, that also this City ought to be increased by receiving enemies by whose authority and example the largition and communication of the City was never intermitted or discontinued by our ancestors. For after Cicero's time, the Emperours of Rome did not onely grant their liberties and privileges to particular persons, families and houses, but to whole Cities, and Countries, which is manifested by the plea of St. Paul in the 21. and 22. of the Acts of the so. 24. a. Apostles. That he was a Roman by natu-

Vide Ccke,
lib. 7.

Calv. case

fo. 24. a.

Apostles.

That he was a Roman by

natu-

naturalization, though he was a Jew by Nation, and because he was born at *Tarsus* in *Cilicia* under the obedience of the *Roman* Emperours he was by birth a Citizen of *Rome* in *Europe*, and that therefore it was allowed unlawful for the *Tribune* to scourge him being a *Roman* and uncondemned, and for the same reason, not long after, his appeal to *Cesar* was admitted by *Festus*; which is also cleared by the constitution of *Antonine*, by which as many as were in *Orbe Romano* within the *Roman* Globe, and subjects of that Empire were made *Roman* Citizens, and as *Grotius* saith, obtained the same rights which the Colonies and *Municipies* and provinces had. So as they were capable of honours and did make use of the rights and priviledges of the *Romans*. Nay before his age, *Cesar* the founder of the *Roman* Empire not onely admitted such alien enemies into the City but also honoured them with the *Senators* Robe, as it is said, *Cesar*

Acts 25.

Grotius de I.B. & P. lib.2. c.9.

*Gallos in Triumphum duxit, idem in
Curtam.*

And when under the Empire of *Claudius* the question was agitated concerning the supplement of the Senate, and that the chief of the *Gaules* called *Comata*, having gained the intercourse and freedom of the Roman City, did much desire also the privilege of obtaining the honours of that City; *Multus* (saith *Tacitus*,) *super ea re varius rumor, & studiis diversis apud principem certabatur*, There was a great and various report touching that matter, which with diversity of studies, and opinions was disputed and controverted before the Prince; yet upon the accurate oration and discussion of *Claudius*, the chief of the *Hedues* by the decree of the *Senate*, did obtain the privileges of Senators in the City: from which conformity, all Nations under the obedience and rule of this Roman Emperour were accounted but as one Country.

But though it was an Act above
compare

compare & without example, for the Romans to conquer so many mighty Princes, yet to keep them all in subjection, exceedeth admiration; for as judicious *Florus*, *Difficilius est Florus provincias retinere quam parare*, lib. 4. and sententious *Seneca*, *parare & querere arduum, tenere difficilius*, to whom the second *Virgil* seems to allude.

O faciles dare summa deos, ea - Lucan. l. 1
(demque tueri,
Difficiles.

It is an high and hard attempt to seek and gain provinces, but a more difficult and laborious task to defend and retain them; for otherwise no utility will proceed of our seekings, and would do nothing else but *Cribo haurire* labour in vain. And therefore it is worthy our industry to search and inquire by what victories and policies the Romans for so many hundred years did keep and retain so many stubborn and stout Nations in an imperious

perious awe, and an uniformity of obedience.

The prime policy which the Romans used to tame a conquered Nation, and to draw it into a conjuncture and union with them was clemency, which is the proper virtue of an Heroick Victor, who Lyon like is clement, and merciful to the devoted. *Satis est prostrasse leoni.* For though the conquerour hath *vite & necis potestatem*, and by the law of War, those who have overcome have power to rule those whom they have overcome, as they please; yet notwithstanding as *Timoleon* in *Æmilius Probus*, *Eam præclaram ducendam victoriam in qua plus est clementie quam crudelitatis.* That is to be reputed the most renowned victory, in which there is more clemency then cruelty; and *Salust*, in his oration to *Cæsar*, *Qui benignitate, & clementia regnum temperavere, his jucunda, & læta omnia fuerunt, etiam hostes æquiores quam illius cives:* whosoever have tempered their Empire with benignity

mignty and clemency, to these all things were pleasant and prosperous and their enemies more civil then Citizens. Which was the constant course of the Romans in all their conquests to intreat their enemies honourably; and as *Alexander* did *Justin. lib. 11.*
non quasi victos, sed victoriae socios habere, not as slaves and servants, but as companions and citizens, as hath been before amply and fully declared and therefore surcease to prosecute this point.

But though clemency hath a great sway, among many, and conduceth much to the union of States, yet as *Sir Edward Coke* saith; *Et si meliores sunt quos ducit amor, tamen plures sunt quos cogit timor:* Though they be the better whom Love doth draw, yet they are the more whom Fear doth force. And therefore did the *Romans* use more powerful and coercive policies then clemency, that those that would not be allured by courteous, and civil intreatments should be compelled by severe, and rigorous courses, as by Arms

Arms & Laws without which the union of Commonwealths or Empires cannot consist; for as the aforesaid *Florus*, *viribus parantur, jure retinentur*, which therefore I have placed together, because they mutually protect each other, as *Justinian*. *Illorum alterum alterius auxilio semper eget, & tam res militares legibus, quam ipse leges armorum presidio servatae sunt*, The one hath always wanted the aid of the other, and as well military matters are preserved by Laws, as the Laws themselves by the force of Arms, without which they are but as a dead letter, or as a bell without a clapper, without life or sound.

Florus
lib. 4.

Just. instit.
principio.

By whose mutuall assistance and power, the Roman Commonwealth and Empire was established, and maintained in peace and union: And for that reason are they by the exquisite Poet *Claudian* conioyned in his Commendations of Rome.

Claudian
Stillicon.

Armorum legumque potens quae
(fundit in omnes
Impe-

*Imperium, primique dedit cuna-
(bula juris.*

But now to treat of them distinctly, and first of armes which seem to have the prerogative, as well in the retaining, as in the gaining of an Empire: for as *Salust*, the great Judge of matters of State and manners of Men, as Mr. *Fulbeck* Fulb. l. 1. stileth him. *Imperium facile hisso. 64.*
artibus retinetur, quibus partum est,
an Empire is easily retained by those Arts it was first gained,

And as *Pansa* and *Hirtius* advised *Cesar* in *Paterculus*, *ut Principatum armis questum armis teneret*, that he should keep that principality by Arms that he had gotten by Arms, which afterwards he lost by the dismissal of the Prætorian souldiers, and laying his life open to his enemies, perished through his clemency and security; which therefore is called by that elegant Author *Laudandum experientia Consilium*, A council commended by experience. And therefore the Ro-
mans

mass generally mingled clemency with safety, and prudently by Colonies secured themselves from contingent commotions: For usually upon their conquests, did they immediately appropriate the seventh part of the territories of the conquered, upon old beaten souldiers in way of remuneration for their faithful service, which was called *Coloniarum deductio*, and the place is self *Romana Colonia*; and as Seneca, *Hic populus* speaking of the Romans *Colonias in omnes provincias misit, ubique uisit, Romanus habitat.* Which as Lipsius saith, was *solidum & firmum* *respublicas prouehendi instrumentum*, the solid and firm fortification of promoting Commonwealths. For the Roman Colonies were fortified with trenches, Rampires and Bulwarks to defend themselves against the assaults of the Inhabitants. & as *Danavi*, colonies were not deduced into the fields of the vanquished without great grief and fear of the inhabitants. *Itaque*

Lyps. Pol.
li. 4. fo. 7.

Danavi
Apheris.
fol. 138.

vallis & muris & praesidia firmande,
nam insidiis & armis primo quoque
tempore ab indigenis petuntur. And
 therefore are they to be fortified
 with trenches, walls, and bulwarks,
 for especially upon the first settle-
 ment are they by force or fraud
 assaulted by the natives, who natu-
 rally abhorring servitude, use all
 their stratagems to undermine, and
 overthrow them. And as *Florus*
disertly, non assueta frenis servitu-
tu tumida gentium inflataque cer- *Florus, li.*
vices, facile alias ab imposito nuper 4. c. 12.
jugo resilirent. The swelling
 and arrogant necks of nations
 not accustomed to the reins of
 servitude would easily otherwise
 skip back from their new imposed
 yoke. As the Germans did, who as
Florus saith, were *victi magis quam* *Florus. ib.*
domiti, were vanquished rather
 then tamed, and in the end *Tacitus* *Vita agri-*
 saith, did shake off the Roman yoke *col. 50.*
 by the valor of *Arminius* who defea- 661. &
 ted and slew *Verus* and his legions, *Grotius,*
 and as *Grotius* saith, were out of *de J. B.*
 the compass of the Roman Empire *& P. lib.*
 whom 2. cap 9.

whom the Britans did also Teste to emulate, who disdaining the Roman servitude, *Domiti ut pareant, non ut serviant*, as *Tacitus* saith, did stoutly attempt, under the conduct of that valiant Queen *Voadica*, to regain their naturall freedom; and though in that kingdom they had planted their Colonies fortified with walls and castles, which they could never attain to in Germany; yet they universally concurring in one resolution, joyntly took Arms, and on a suddain did set upon the Roman souldiers dispersed in their castles, and having beaten them from their forts, invaded the Colonie it self as the seat of servitude, and having obtained the victory, omitted no kind of rigor and cruelty; in somuch as *Tacitus* saith, if *Paulinus* had not incontinently repaired to their reliefe, *amissa Britannia foret*, Britanny would have been lost, and could hardly be suppressed and reclaymed, untill *Petronius Turpilianus* was sent by the Senate, a man of a milder

milder temper, who by his lenity and clemency composed all differences, and were, from time to time more humanly and freely intreated by the succeeding Legates, who by their humanity so prevailed with them, as many thousands of the stoutest listed themselves in their Legions, and were faithful auxiliaries to them. Insomuch as when the Romans were called from *Britanny* into *France*, to suppress the *Huns* who molested that Countrey, they were drawn to accompany them in that expedition, and to assist them in their Battails, and for their valour were gloriously planted in that part of *France*, which from their name is called *Brittain*. Thus did the Romans, through the sweetness of their clemency, and rigour of their *Colonies* transplanted and dispersed among their subdued Nations, keep them in quiet and subjection, and reduced them into a sociable union, which *Colonies*, as *Scorbonerius* a noble observer of the affairs of State, were as it were

D a small

*Scorbone-
rius polit.
lib. 10. c.*

a small effigies and portraiture of the Amplitude and Majesty of the people of Rome. For there were one hundred threescore and three Colonies deduced and dispersed among the Roman Provinces, which did sway and rule them by their power, and jurisdiction; and as Learned and Laborious Mr. *Selden* saith, it is clear that divers Colonies deduced from Rome were in Brita-
In Fotes. kc. fo. 9. ny. Of which he rendereth the names of four, in which as Sir *John Baker* Historieth it, were contained no fewer then fourscore thousand Souldiers in pay.
Fol 3.

*Tanta molis erat Romanam conde-
 (re gentem*

Now followeth the imposition of Laws, for though they *inter arma silent*, yet after victory and conquest they conduce much to the union of Nations, which the Romans also used for the compleating of the same. and this is a prerogative inseparably incident to a conquerour, to give and

and impose Laws on the conquered,
 as *Alexander* in *Curtius*, *Leges a victoribus dari, accipi a victis.* Of
 which *Sir Edward Coke* giveth this
 reason; That seeing he that cometh to a Kingdom by conquest,
 hath *vita & necis potestatem*, he may
 at his pleasure alter and change the
 Laws of that Kingdom; for as the
Tragedian — *Quodcumque libet* *Seneca*
[facere, victori licet.] *Troas.*

Which was the perpetual practise
 of the Romans to send their *Prætors*
Proconsuls, and *Præfects* into those
 places, which by force and power
 of Arms they had subdued, and to
 govern them according to their
 Laws, but *quo Jure*, saith *Minius*,
Nihil aliud præfecto dicatis, quam *Livy, l. 35.*
armis superatis, vos his vras leges im-
posuisse. Surely you can say no-
 thing else, but they being overcome
 by Arms, ye have imposed those
 Laws upon them: by which means
 as by the nerves the Romans con-
 joyned other Nations with them,
 and made one civil body of them.

Livy, li. i.

Coke Com.
in Littl.
fo. 141.

Postnati,
fo. 55.

For as Livy, *multitudo coalescere in unius populi corpus, nulla alia re quam legibus potest*; a multitude by no other means can grow together into the body of one people but by Laws, and as Sir Edward Coke, the unity of Laws is the best means for the unity of Countries. In which the Romans excelled all other Nations, insomuch as their Laws in their flourishing estate were almost the Laws of all the world. And yet as the Lord Chancelor Ellesmere saith, the Roman civil Law is taken to be the most universal and general Law. Such a deep impression did they make in all Nations who were under the Roman jurisdiction.

But to come to our Countrey, though some Zelots of our Common Laws have laboured to clear them from any commixture with the Laws of other Nations, notwithstanding the several conquests of the same, yet

Vincat amor veri, Vincat amor patrie.

And

And the truth is as *Matheus Westminsteriensis* saith, *Romani Britanniam per Julium Cæsarem in latas leges jurare compulsam magna dignatione coluerunt, and Camden, Britannia nec legibus suis patriis uti permissum, sed magistratus a populo Romano cum imperio & securibus missi qui jussu dicerent.* The Romans had *Britannia* in great estimation being compelled by *Julius Cæsar* to swear to their Laws, neither were they permitted to use their Countrey, and municipal Laws, but Magistrates were sent from the people of *Rome*, with command and authority to make Laws, and command them to be kept, whence came the saying of the Ancient Poet quoted by *Mr. Selden.*

Ib. fo. 11.

Cernitis ignotos Latia sub lege Britannos.

Neither is it a disparagement to our Laws to have participated of the Laws of other Nations, as some suppose, but rather an Elogy for the

the Roman Laws themselves were composed of the Grecian Laws, and as Sir Francis Bacon, though our Laws be mixt as our Language, compounded of Britan, Saxons, Danes, and Normans; yet did not this add lesse to them then those who would have them to stand out the same in all mutations, for no tree is so good at the first sett as at transplanting. But to proceed,

I suppose it not altogether immaterial to add a fourth instrument which the Romans used to unite their subjected Nations, to wit, the Communication of their Languages, which as Aristotle saith is

Lib. 1. Po. Politicæ præcipue the Organ of society by
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D 4

which

which receive their force and propriety from that natural usage of Citizens, cannot be changed by the authority of the Senate. And in such an especial esteem had the Romans their proper and mother Tongue, that in their publique Assemblies, they abstained from the use of Forreign Languages, though they were not ignorant of them: as *Suetonius* writes of *Tiberius* that though he could speak the Greek tongue readily, and fluently, yet he abstained from the use of it, in the Senate, in so much, as being about to name the word *Monopolium*, he first craved pardon, *quod sibi peregrina vocabulo utendum esset*, that he was to use an Outlandish word. By which means the subjugated minds of all Nations began to succumbe and fashion themselves according to the patern, and example of the Romans who were then *Terrarum Domini*, Lords of the world; as the Panegyricall Poet,

*Suetonium
vita Tiber.
fo. 216.*

*Claud. 4.
Hono.*

————— *Componitur orbis
Regis ad exemplum.*

and

and did not onely submit themselves to the observance of their laws but also to the practice of their Language. For though the Britains were, as Tacitus acknowledgeth them *validissima gens*, a most valiant Nation, and more fierce then the French, and molested the Romans with more dangerous Revolts, being of all Nations the last that was conquered, and the first were freed; and also at the beginning did *Lingua Romanam abnuere*, reject the Roman language, yet did they at the length, *concupiscere linguam Romanam, indeque habitus nostri honor, & frequens toga*, as Tacitus speaks, affect the Roman language, Rhetorique, the Roman habit and the like. And so deep a tincture and impression did the Roman Language stamp & make in these occidental parts, that to this day, for the most part, they retain an Etymological sense of it, and in our parts of Britany, after the departure of the Romans, we deemed it a glory to draw and expresse all our writs, declarations, and

and other proceedings in suits of Law in the Latine language, until in these latter times they were abrogated by Acts of Parliament, as a badge of our antient servitude: which Tacitus himself intimareth in these words *Itaque humanitas apud imperitos vocabatur cum pars servitutis erat*, and that was called a favour and curtesie by the ignorant, which indeed was a part of servitude.

Ibid.

A fifth may be added though lesse pertinent, that is the transmutation of names, when the victor doth change the name of the conquered Countrey, and calls it by the name of his own Countrey.

Of which, among the Roman Writers, I find some change to be made, but not by the people of Rome, or the Emperors. For though some of the later Writers, have called all the Nations contained within the Precincts of the Roman Empire, as *Grotius* allodgeth, Ro-

Grotius

l. 2. fo. 21.

mania: and Gildas saith of Britanny, non Britannia, sed Romania censetur;

batur : yet no such transmutation
 of names was ever decreed or in-
 dicted by the Senate of Rome or
 Edict of the Emperor. For as acute *Clapmar*
Clapmar saith, The Romans did *de arcan.*
 little esteem *talia inania simulachra imperii.*
 such vain shadows and shews, and
 were not sollicitous of proud names,
 so that they might have the matter
 it self, Of which there is an example
 in the Poet, when *Juno* had left no-
 thing untried whereby she might *Virg. Æ-*
 impede the Trojans from invading *neid. 12.*
Italy, which finding her self unable
 to effect it, at the last desired *Jupiter*,
 that forasmuch as the Trojans
 should possess and enjoy *Italy*, yet
 they should not change the name,
 but the Latins should retain their
 ancient name.

Ne velis indigenas nomen mutare
Latinos,
Neu Troas fieri jubeas, Teucrosque
(vocari :

Which *Jupiter* smiling to himself,
 easily condescended to, as a matter
 of

of no moment; for so the Poet
proceedeth,

Olli subridens hominum rerumque
(repertor,
Do quod vis, & me victusq; volensq;
(remitto.

To wind up all in a word; By the
premises it is perspicuous, that not
only the Britans, but all other Na-
tions, which by conquest were
forced to serve under the Roman
yoke, were by clemency, and arms,
imposition of laws, and transmuta-
tion of Language reduced into one
moral and civil body, and were, as
it were, one countrey, and one
Commonwealth, insomuch as by
Modestinus it is called *communis*
patria, and by *Claudian*, *Gens una*,

Hujus pacificis debemus moribus

(omnes

Quod cuncti gens una sumus.

But now to compare Rome with
Britain, if it be comely to compare
great

great things with lesse, which is the
Prince of the Roman Poets.

Tantum inter alias caput extulit Virg. Egl. 1

(*urbes*

Quantum lentæ solent inter viburnæ

(*cupressi.*

So as, though for largeness and extent (it being, as hath been said, *Caput totius orbis*;) it is incomparable, yet in regard of the quality, and condition of the abovesaid union, it may admit some comparison; for the conquerours in our *Orbe Britanniæ*, did follow the tract and steps of the Roman conquerours, whereby at the length, upon their conquests, they happily arrived at the like settlement of the union, between the four discordant Kingdomes of England, Wales, Scotland, and Ireland.

To begin with *William* the Conquerour, who though he made an absolute and entire conquest of England, and might have had all the Lands which he would have actually seized, yet like a Roman clement

Baker's
History of
England.

clement conquerour he took no mans estate from him, neither dis-
possessed them of any of their goods,
but from those whose demerits
made them unworthy to hold them,
and would not adhere unto him;
and the vacaney of Offices, and fil-
ling up the places of those who were
slain, or fled, was the present means
he made for preferring his follow-
ers, and as *William of Malmesbury*
saith, in subjects leniter, in rebels
turbide agens fortiter omnia Angli-
potiebatur, by increasing his sub-
jects gently, and the rebels rig-
orously, he happily enjoyed all Eng-
land. For as in the body of a liv-
ing creature, nature doth convert
food and nutriment into good blood
and by degrees assimilates it to the
body; So in union of countries
by conquest, the conquerour ought
to expel any part of the state con-
quered, which he findeth so con-
trary, as he cannot convert, and
assimilate it to the civil body of that
state: which was the current course
of *William* the conquerour. And
though

Sir Fran.
Bacon.

though some Historians, and Chron-
 iclers of those times seem to vary
 from this assertion as *Mathew of*
Westminster, that after *William the*
conquerour had subdued the En-
 lish, terras Anglorum & possessiones,
 ipsis expulsis successivis manu distribuit
 suis commilitonibus, they being by
 degrees expelled, he with his hand
 did distribute all the Lands and
 possessions of the English to his com-
 militions or fellow souldiers, which
Bodin, and *Ramus Choppinus* also
 though they had it at the second
 hand, relate it for truth; yet the
 contrary is manifested by his Act
 to one *Warren a Norman* of princi-
 ple quality, to whom he had gran-
 ted the Castle of *Sherborn* in *Nor-*
folk; But the heir of *Sherborn*, the
 antient Inheritour of that Castle,
 shewing to *William the conquerour*
 that he was his subject and leigeman
 and did inherit the Castle by the
 same Law, that the conquerour had
 allowed, and established in *England*,
 did therefore pray that he might *Davey*
 hold the said Castle in peace; the Report.
 conqu-*fi*: 41.

Davys ib.

conquerour in this case did give judgment for Sberborn against *Warren*, of which judgment *Cambden* maketh mention. in the discription of *Norfolk*. & Justice *Calbropp* said that he had seen an antient copy of that judgment in the library of Sir *Christopher Heydon* at *Barcasthorp* in *Norfolk*; and as Sir *John Davy* reporteth, the contrary appeareth by the book of *Doomesday*, which in this point, is of more credit then all the discourses and chroniclers in the world, wherein is contained an exact discription of all the *Realm* made in the time of the said King, as *Henry of Huntington* setteth forth, *per Angliam ita totus regnabat, quod ibi non una bida inerat de qua non sciret cujus esset*. He so totally ruled over all *England* that there was not one hide of Land in it, of which he knew not whose it was. By which record it is declared, that he did not take all the lands of the English into his hands, and confer them on his fellows, for in it is expressed what Lands the conquerour had in demesne, to wit, the Lands which were

were of St. Edward, and are entituled *Terræ Edwardi Regis*, and others which himself had seised upon the conquest, and were entituled *Terræ Regis*, without saying any more, as is noted 49. Ed. 3. 23. a And those Lands are now called the ancient demesne Lands of the King, or of the Crown of England, and in this book, the possessions of other Lands are put in certain, as well as the possessions of the King, and those Lands which are under other titles, as *Terræ Episcopalis Exeter*, &c. And all other Lands which were in others hands and named in that book, are frank free, 40. Ed. 13. 45. Fitz. N. B. 16. O. And also Roman like what he had purchased with his sword, he possessed by his sword: For as Sir Edward Coke, *Cok. pref. toto ejus Regiminis tempore, aut di-* l. 9. *firmiter nunquam interquievit gladius, aut perpetuo manus institit capulo iterato evaginatura.* In all the time of his reign his drawn sword never rested, or otherwise his hand was alwaies on his hilt ready to draw it

E again

again, and at the first, had no other way to make his victory permanent but by his valour.

But after the *Norman* conqueror had brought under his yoke and subjection, the utmost parts of this *Island*, and by his continual victoriestamed the mind of his formidable enemies; he like a Roman victor, with all diligence laboured by imposition of Laws to reduce the English and the *Normans* into a peaceable and sociable union, and accordingly propounded to himself an exact survey of all the antient Laws, as the old Laws of the Saxons, which where compounded of the British customs and their own which mention the *Danish* Law, *Danellage*, the *Mercian* Law, *Mercemlage*, and the *West Saxon*, *West-saxonlage*: All these being considered by *William* the conquerour, compasing them with the Laws of *Norway*, which he most affected, as *Mr. Selden* supposeth, because by them a Bastard of a Concubine, as himself was, had equal inheritance with

Ibid.

with the most legitimate son, as *Gervase of Tilbury* in this dialogue de *Seaccario* saith, *Quasdam reprobat, quasdam autem approbans, illis, transmarinas Neustriae leges quae ad regni pacem tuendam efficacissimae videbantur, addidit, some he rejected and some he approving, to them he added the forraign Norway Laws, which seemed most efficacious for the preserving of the peace of the kingdom. And such laws as he in writing allowed, though by *Roger Hovendon* and *Ingulphus* they were called *Leges Edwardi regis*, yet by *Mathew Paris*, are they properly called, *Bonae, & approbatae antiquae regni leges*, the good and approved antient Laws of the Kingdom by denomination from the greater part. And sometimes the Laws and customs of *King William*. For clearly diverse *Norman* customs were in practise first mixt with them, and to these times continue, as *Mr. Selden* asserteth, as that of *Coverfeu* which was constituted to prevent conspiracies, combinations, and robberies, which were then*

very frequent, and commonly contrived and practised in the night. And therefore it was ordained that in all townes and villages a bell should be rung at eight of the Clock in the evening, and that in every house they should then put out their fire, and lights (which bell was therefore called *Coverfeu*) and then to go to bed, which, among many other, was one of the laws much conducing to the preservation of peace. By which so great a peace was settled in the Kingdom, as by *Henry of Huntington* he is stiled the Author of peace; whose words are these, *Pacis author tantus, quod prela auro onusta regnum Anglia transire possit in puncto.* He was so great an Author of peace, that a Virgin laden with gold, might without danger passe through the Kingdome of *England*.

Bacon.
uses of
the law
fol 31.

And seeing his people to be part Normans, and part Saxons, the Normans he brought with him, the Saxons he found here; he bent himself to conjoin them by marriages in amity;

amity ; and for that purpose ordains, that if those of his Nobles, Knights, and Gentlemen, should die leaving their Heir within age, a Male within one and twenty, and a Female within fourteen years, and unmarried, then the King should have the bestowing of such in such a Family, and to such persons as he should think meet, which was commonly to his Normans, which interest of marriage went still employed, and doth continue at this day in every tenure, is called Knights service.

Then he also commanded all his laws to be written in French, and all causes, and matters of law to be prosecuted, pleaded and dispatched in the French language (as the Romans did in Latin) that the English thereby, might be invited to addict their minds to the knowledge of that Language. That whereas they were made by Laws, as it were one people, so by this constitution they might be brought to be of one Language. In this manner (through the

proweſs and prudence of the Norman Conquerour) were the English and the Normans ſo entirely united that they ſeemed one Nation, and one people without any difference or diſtinction of reſpect and honour, as *Dido* promiſed the *Trojans*,

Tros, Tyriusque mibi nullo discrimi-
(mine agetur.

Which may more effectually be applied to him ; for he and his Progeny reigned over them ſo united, for the ſpace of five hundred years.

The next bordering Principality to *England* is *Wales*, and therefore firſt in order by the English to be conquered, according to the Roman Example, as indeed it was. A ſtout and hardy Nation *Bellicoſiſſima gens*, as *Cambden*, and indeed the reliques of the antient Britans, who becauſe they would not ſubject themſelves to the Tyranny of the *Saxons* (as the other English did) were forced by their armes to retreat
into

into the *Western* Region of that *Island* for refuge, surrounded with the muniments of nature as mountains and armes of the Sea, which anciently was called *Cambria*, as the people at this present *Cambro-Britanni*. In so much as the *Saxons* were unable by their force to make way unto them, and to overcome them. And though by some of the *Saxon* Kings, a ditch of a wonderful work was framed, which was called King *Offa* his ditch, by which they divided that Country from England, and called them *Walshmen*, that is to say unto them strangers, yet did they continually with fire and sword, spoile and depopulate their fieldes and Cities. And when the *Heptarchy* of the *Saxons* was devolved into a Monarchy could they onely by *Athelstane* (that victorious King) be made tributary; nay *William* the Conqueror (the terror of his time) *Cujus nomen* (as *William of Westminster*) *extera & remota gentes timebant*, whose ruine and downfall the

Welch also conspired, And therefore as the said *William* saith, though he raised a Copious army against the *Welch* with an intencion to subject them to his sword, as he had done the English, yet did he meet with such martiall resistance, that he was content to accept of their homage with faithfull hostages to pay him tribute, though after upon their restless commotions he placed divers of his Norman Nobility upon the confines towards *Wales*, and gave a power unto the persons thus placed, to make such conquests on the *Welch*, as they by their own strength could accomplish, whereby divers of those parts were won by the Sword from the *Welchmen*; which were planted with English Colonies, and called *Barons Marches*. Which though his Son *William Rufus* seconded, yet was it a great glory for him only to conquer the Shire of *Pembroke* which was a very ancient Shire of *Wales*; so as this parcel of this Island called *Wales*, was no parcel of the Dominion

nion of the Realm of *England*, but was distinguished from the same, and was, as it were, a Realm of it self, not governed by the laws of *Eng- Ployd*
land, as the Books of the laws of *Com. 192.* this Realm do testifie : yet nevertheless afterwards was the same Dominion of *Wales* holden in chief, and in Fee of the Crown of *Eng-land*, and the Prince thereof being then of their own Nation was compellable upon Summons to appeare in the Parliament of England to do this homage. And escuage was first invented for them, and the Scots, as *Ployden* saith, against whom War was made by the Kings of England as rebels, not as enemies, for that they were subject to England, and were within the Sea. And so those of *Wales* were subject to the King of England, though they were not parcel of the body of the Realm of England. And hence was it that *Henry* the third upon the often revolts of the Welch endeavoured to assume the territory of *Wales*, as forfeited, to himself, and

Vide
Ploid. fol.
 129. B.

and conferred the same upon Edward the Longshank, his Heir-apparent, who took upon him the name of Prince of Wales, yet could not obtain the possession, or any profit thereby, for the former Prince of Wales continued his government, for which cause between him and the said Edward Wars did rage; whereof the said Edward complaining to King Henry his Father, who made him this answer, as *Mathew Paris* reciteth it, *Quid ad me tua terra? ex dono meo est. Exerce vires primitivas, famam excita juvenilem, & de cætero timeant inimici, &c.* What is your territory to me? it is of my gift. Advance your primitive forces, stir up your juvenile renown, and as for the residue, let your enemies fear you, &c. which according to his Fathers Heroical encouragement, he fortunately enterprised, for as the *Comedian* to that purpose.

An. 1257.
fol. 914.

Terent.

*Ut quisque filium suum vult esse,
(ita est.
And*

And not long after, sundry Battails were fought between the said *Edward* both before and after he was King of England with *Leolin* the last Prince of the Welch blood, and *David* his brother, until both the said Prince, and his said Brother were overcome by the said *Edward*, after he was King of England, who thereby first made a conquest of *Wales* and afterwards annexed it to the Crown of *England*.

The territory of *Wales* being thus united, the said King *Edward* used means to obtain the peoples good will, thereby to strengthen that which he had gotten by effusion of blood, with the good will and affection of his subjects: who promised their most hartty and humble obedience, if it would please the King to remain among them himself in person, or else to appoint over them a governour that was of their own Nation, and Countrey.

Whereupon the cunning King projecteth a pretty policy, and sendeth his Queen (being then great
with

with child) into *Wales*, where she was delivered of a Son, in the Castle of *Carnarvon*. The King thereupon sent for all the Barons of *Wales*, and remembred them of their submiss assurance tendred according to their former proffers, if they should have a governour of their own countrey, and who could not speak one word of English, whose life and conversation no man was able to stain or blemish, and required their offered obedience: whereunto they yeilding, the King presented unto them his said Son born at *Carnarvon* Castle, whom thereupon the Barons unanimously embraced for their Prince, and afterwards made their homage to him at *Chester*. *Anno. 29. Edw. 1.* as Prince of *Wales*. And though the Welch Nation do not willingly acknowledge the aforesaid conquest, but refer it rather to this composition, yet as Sir *John Davis* saith, *Edward* the first made a conquest of the Dominion of *Wales*, as it is expressed in his charter, or statute of
Rutland

Rutland, where it is said *Divina providentia terram Wallie cum incolis suis prius nobis jure feodali subiectam, in proprietatis nostre dominium convertit, & corone Regis nostri annexit.*

And thereupon according to the course and power of conquerours, as the same Author saith, he changed their Laws and customs as it is also expressed in the said charter, or statute. For as to the Laws and customs he saith, *Quasdam illarum de concilio procerum regni nostri delevimus, Quasdam correximus, etiam quasdam alias adjiciendas, & faciendas decrevimus, &c.* Some of them by the council of the Peers of our Realm have we expunged, some have we corrected, and also some have we determined to be made and added, and as another saith, divided some parts thereof into shires, and appointed Laws for the government of that people.

Yet though the King had gained the property of that Kingdom, and that the Inhabitants of it, *de*

Alto

Alto & Basso, as it is recited in the said charter, had submitted themselves to his will: yet it appears, that he did admit all those who would be ruled and governed by the common Law of England, which he had established among them, by the said charter, to have Frank Tenement and Inheritance in their Lands; for there he prescribeth a form of the writ *de Affize de novel disseisin, de mort Dauncaster, & de dower* to be brought of Lands in *Wales* according to the course of the common Law of *England*, and when they wanted a writ of form to supply the present case, they used the writ *Quod ei desorceat* 2. E. 4. 12. A.

Thus was the Dominion of *Wales* united to the crown of *England* by the valour and wisdom of *Edward* the first, and the principality of it hath constantly since appertained to the Eldest Sons of the Kings of *England*, as *Ployden* saith, from all time that there hath been a Prince of *Wales*: or as *Sir John Doderidge*,

Ployd.
Com. fol.
126. B.

to the eldest Son or the next succeeding Heir. For *Henry* the third first made *Edward* the first his eldest Son Prince of *Wales* and gave to him the Dominion and dignity of it, and also *Edward* the second after he was King of *England* created *Edward* the third in his life time Prince of *Wales*; and the Lady *Mary* eldest Daughter of King *Henry* the eighth, and afterwards Queen of *England* did carry the title of Princess of *Wales*. Et Sic de Similibus. Doderidge Principality of Wales fol. 39.

Yet notwithstanding this conquest by *Edward* the first and general submission of the Welch, were there divers insurrections sowed by them against the former established Government, and especially one which happened in his Reign raised by *Rice ap Meredick* who rebelled against the King, upon which all the lands of the said *Meredick* were confiscated, as forfeited, and seized by the said King, and nominally given by his successor *Edward* the third, to *Edward* the black Prince, Doderidge Prince of Wales, fol. 8
 Prince

*Herbert.
Hen. 6.*

*Hist. of
England
fol. 139.*

Prince of *Wales* for his better maintenance, and honourable support; and though after the death of the Father they assisted *Edward* the second his son in his Wars against the *Scots*, and got victories for *Edward* the third, and stood firm, during all the differences in this realm, to his Grandchild *Richard* the second: yet when the unfortunate, and fatal Wars happened between the two Houses of *York* and *Lancaster*, the Welchmen fell from their fidelity to the Crown, hoping upon that disastrous mutation to regain their pristine liberty. For as Sir *John Baker*, It was always a custom with that Nation at every change of the Princes of *England* to try conclusions, hoping at one time or another to have a day of it, and to change their yoke of bondage into Liberty; as upon the aforesaid opportunity they began to lift up their hands and heads, and under the aspiring command of *Owen Glendoe*r waged a terrible War with *Henry* the fourth, who through the combination

nation and confederacy of the Earl
 of March, and the Lord Percy
 swallowed in his ambitious mind all
Wales and the Lands beyond *Severn*
 Westwards, which were assigned to
 him for his part; but the King bei-
 ing a skilful souldier, having orde-
 red and disposed his Army, suddenly
 marched towards the Lords, having
 an especial care that they should by
 no means join with the Welch; and
 so encountering the Lords singly,
 obtained an universal victory; and
 the Welch thereupon abandoned
Owen Glendower, who lurking in the
 Woods was there famished. And
 after the Fate of *Henry* the fourth,
Henry the fifth his son knowing the
 fashion of the Welch; that in time of *Bakers*
 change they would commonly take *Hist. f. 241*
 advantage to make Inroads upon the
 borders, caused forts and bulwarks
 in fit places to be erected; and pla-
 ced Garrisons in them for the pre-
 venting, or repelling any such in-
 cursions; yet so prompt and capti-
 vious were they continually upon the
 least opportunity to such insur-
 rections

rections, Ut nullo modo induci potue-
 runt (as Camden saith) ut servitutis
 jugum subirent, nec ulla ratione res
 componi, & Funestissimum inter gen-
 tes odium restringui potuit, donec
 Henricus 7. ab illis oriundus saluta-
 rem manum jacentibus Britannis por-
 taverit, & Henr. 8. eos in parvam
 juris libertatisque conditionem atque
 nos ipsi Angli sumus acceperit; that
 by no means they could be induced
 to undergo the yoke of servitude,
 neither by any reason could matters
 be compounded, and the most
 mortal hatred between those two
 Nations be extinguished, until
 Henry the Seventh descended of
 them had extended his sovereign
 hand to the forlorn Britans, and
 Henry the Eighth had received them
 into the equal condition of right
 and liberty, even as we Eng-
 lishmen are. And indeed Henry
 the Seventh was descended of Owen
 Tudor, who is said to be descended
 of Cadwallader a Prince of Wales
 (wherein the Welch prophecy seem-
 ed to them now to be fulfilled, that
 one

one of the Princes of *Wales* should be Crowned with the Diadem of Brute, which Prince *Llew* before vainly ascribed unto himself) who therefore was cheerfully assisted by the Welchmen to the title of the Crown, they being desirous according to the former proposition made by them to *Edward the first* to have a Prince of their own Nation to rule over them.

Herbert.
H.8.f.369

Yet were not the Welchmen fully satisfied with this union, but expected a more entire union by laws; for notwithstanding the Laws which were established in that Country by *Edward the first* there were 141 Lordships of Marchers, which were then neither any part of *Wales* though formerly conquered out of *Wales*, neither any part of that Shire of *England*, who by the license of the Kings then Reigning, had Royall signories in their several territories.

Davis
cep. f. 61.
B.

9. H. 6. c. 452. & 11. H. 4. c. 40.
and a kind of Palatine jurisdiction
and a power to administer justice
to their tenants in every of their

reſtione, *Ut nullo modo induci poterunt* (as Camden ſaith) *ut ſervitutis jugum ſubirent, nec ulia ratione rei compoſui, & Feneſtiſſimum inter gentes odium reſtingui potuit, donec Henricus 7. ab illis oriundis ſalutarem manum jacentibus Britannis porrexerit, & Henr. 8. eos in parum juris libertatiſque conditionem atque nos ipſi Angli ſumas acceperit; that by no means they could be induced to undergo the yoke of ſervitude, neither by any reaſon could matters be compounded, and the moſt mortal hatred between thoſe two Nations be extinguished, until Henry the Seventh deſcended of them had extended his ſovereign hand to the ſorlorn Britains, and Henry the Eighth had received them into the equal condition of right and liberty, even as we Engliſhmen are. And indeed Henry the Seventh was deſcended of Owen Tudor, who is ſaid to be deſcended of Cadwalander a Prince of Wales (wherein the Welch prophecy ſeemed to them now to be fulfilled, that*

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9. H. 6. 40. 452. 11. H. 4. 40.
and a kind of Palatine jurisdiction and a power to administer Justice to their tenants in every of their
F 2 terri-

territories, revoking their own
 Laws and customs at their pleasure,
 that the writs of ordinary justice
 out of the Kings court were not for
 the most part current among them,
 and substituted Officers at their plea-
 sure, who practised strange and
 discrepant customs, and commit-
 ted such rapines that nothing was al-
 most safe nor quiet in those parts;
 for by reason of the flight of the
 offenders from one Lordship to a-
 nother they had escaped due and
 condign punishment: whereupon
 the noblest and eldest of that
 Nation supplicating Henry the
 eight, did crave to be received
 and adopted into the same Laws
 and priviledges which his other
 subjects of England enjoyed, which
 moved the King to make the statute
 of 27. H. 8. c. 26. by which is ordain-
 ed and enacted, that the Principa-
 lity and Dominion of Wales shall be
 incorporated, united, and annexed
 to the Realm of England, altering
 in many parts the former jurisdic-
 tion and Government; thereof,
 bringing

Herb. H.

8. fo. 369.

Herb. ibid.

bringing the same to the like administration of justice, as was, and yet is usual in England, appointing that the Laws of England should take place there, and all Welch Laws, Customs and requises, not agreeing to the laws of England should be thenceforth ever abrogated and abolished: and therefore whereas before there had been eight severall Shires in Wales, besides the County of Monmouth, and that some other territories in Wales were then no Shire grounds, by reason whereof the laws of England could have no current passage therein: by the said Act there were erected in Wales four other, namely the severall Shires of Radnor, Brecknock, Montgomery, and Denbigh, by which means the Laws of England there also might be put into execution. And further the said Lord Marchers grounds by the same Act were annexed and united, partly to the Shires of England, and partly to the Shires of Wales next adjoyning, as thought then by reason of the

vicinity of the place and otherwise most convenient to prevent the perpetrating of the aforesaid enormities and odious offences by just and lawful punishments.

And to make the Union the more honourable, and that the nobles of the Welch Nation might participate of the highest privileges and chiefest dignities of England, according to the Roman precedent, it was also ordained that out of the said Shires of *Wales* there should be one Knight, and out of every of the Shire Towns in *Wales* named in the said Act there be one Burgesse elected after the English manner; which Knights and Burgesses so elected and duly upon summons of every Parliament in England returned, should have place and voice in the Parliament of England, as other the Burgesses and Knights of England used to have.

And though the said Statute doth not make mention of the penalty given upon the Sheriffs false return; for such Knights and Burgesses as
shall

shall be lawfully elected in *Wales*,
 and not returned, but that those
 were given by the statute of 23. H.
 6. c. 15. against the Sheriffs of
 England; yet shall the Knights and
 Burgeses of *Wales* so elected and
 not returned, have the benefit of it
 by the statute of 27. H. 8. because
 that statute grants that the Countrey
 of *Wales* shall have, enioy, & inherit
 all rights, priviledges & laws within
 it's Dominions, as other subjects of
 the King born in this Realm: for
 the general words of the statute
 make all the laws of England aswel
 Common laws as Statute laws to be
 of effect in *Wales*, and shall take
 place there, and that the Welchmen
 shall have the benefit of the English
 laws for things done in *Wales*; as
 the English shall have for things
 done in England, and by a *Quod ei
 deferret* the Welch shall take ad-
 vantage of all actions real aswel
 given by the common law as the sta-
 tutes of this Realm, *vide Com. Ployd.
 Beckleys case* Fo. 128. Fo. 129. and
 besides because the Welch use a

speech nothing like or consonant to
the Mother tongue used within this
Realm; & that some rude and igno-
rant people did make a distinction
and diversity between the subjects of
this Realm, and the subjects of the
other, whereby great divisions & vari-
ances did grow between the said peo-
ples as in the preamble of the said act
is expressed; therefore more natu-
rally to enioyn those dissimilar Na-
tions as well by Languages as by
Laws it was also by that statute ena-
cted that none that use the Welch
Language shall enjoy any office or
fets within the Kings Dominions, but
shall forfeit them, unless they use the
English Language; by which ex-
ception the Welchmen (who before
much gloried in the Antiquity and
simplicity of their British Language)
were stirred on to bend their study
and practice to the knowledge and
pronunciation of the English Dia-
lect: To the propriety of which
most of them within few years at-
tained, and at this day generally
assist, and use it with delight, which
hath

hath been an instrumental means
 of a more amicable union between
 these two Nations. And for the
 execution of the laws, it was ordai-
 ned that the County of Monmouth
 formerly being a shire of *Wales*
 should be governed from thence-
 forth in like manner, & by the same
 Judges as other shires of England
 were. And for the other twelve
 shires a special Jurisdiction and
 Officers were ordained; yet in sub-
 stance agreeable after the manner
 of the English laws. And finally,
 by that Statute, Gaol-kind and all
 other sinister customs of *Wales*
 were abolished, but all customs
 which are reasonable and agreeable
 to any customs of England preserv-
 ed. For by the same Statute it is
 provided, that a Commission shall
 issue to examine the Welch customs,
 and that those that shall be found
 reasonable, upon a Certificate of the
 said Commissioners shall be allowed,
Davis Rep. f. 401 And accordingly
 whenever there was a Custome
 in *Denbigh*, that a Feme Covert
 with

with her husband might alien land
 by surrender, and examination in
 Court: *Wray* and *Dyer* were of
 opinion, that it shall bind the feme,
 and heirs of the feme as a fine, though
 the feme after issue make such an
 alienation, and die; and the rea-
 son there given why the custome is
 not taken away, is for that it is rea-
 sonable and agreeable to some cus-
 toms in England, for the assurance
 of purchasers; for the title of the
 Act is for Laws and Justice to be
 ministred in like form as in this
 Realm, *Vide Dyer*, 363. pl. 26. In
 like manner was it holden, 39. *Eliz.*
Dyer. f. 345. pl. 13. that whereas
 before the subjection of *Wales* to the
 Crown of England, a man did hold
 lands of the Prince of *Wales* by
 service to go in his War; it was no
 tenure of which the Common Law
 might take notice, for the princi-
 pality of *Wales* was not governed
 by the Common law, but was a
 Dominion of itself and had their
 proper laws and customs: and for
 that reason when that Countrey was
 reduced

reduced under the subjection of the Crown of England, such tenure as was of the person of the Prince of Wales could not become a *Capite* tenure of the King of England.

In this manner and by the means of the said Act of 27. H. 8. were the Welch Nation, and the English more entirely united by laws then before; of which union ensued a greater peace, tranquillity and civility, and infinite good to the inhabitants of the Countrey of Wales, and so continued during the Reign of Six succeeding Kings and Queens, until the horrid and irreconcilable War broke out between the King and Parliament, wherein the Welch upon changes, being always Changelings, in the beginning levied Forces in Defense of the Parliament against the KING; in which War though a prosperous event succeeded, the royal Brigades being totally vanquished, and the King himself under the power of the Army, yet assumed they unto themselves their ancient animosity; and being
possessed

possessed with conceit that they were never conquered, but by composition; now adventured once more to make trial of their British valour under the Commission of Prince Charles, and under the command of Major General Rowland Langbourn, Colonel Isaac Bawel and Colonel John Hoyer, who before had been Commanders for the Parliament, and in a warlike and hostile manner possessed themselves of divers Garrisons and Towns against the Parliament; and Langbourn being in General of great esteem in those parts, raised an Army, which in a small time increased to the number of 8000 Horse and Foot: which by Colonel Horton (who was sent by the Parliament to suppress that insurrection) although the assistance of the Almighty was totally routed; a great slaughter committed, and three thousand prisoners taken, with all their ammunition. A happy Victory for the Parliament; their Forces consisting merely of three Thousand men; and a disastrous com-
mence-

mentement for the Welch; who nevertheless persisted in their resolution. For *Langborn* and *Powel* escaping by flight, got to *Poyer* into *Pembrake* Castle, who before kept that strong Hold for the Parliament, and now having fortified it with a company of malignants, with great courage maintained it against them; so great was the danger, and difficult the enterprise, that Lieutenant General *Cromwell* himself was sent with some Regiments into *Wales* to impede the Welch as well from rallying & collecting their fugitive and dispersed Forces, as to dispossess them of the Towns, Garrisons, and Castles, they had treacherously surprised: who first resolved to besiege *Chepstow* Castle, but hasting to *Pembrook* which was more considerable, he left Colonel *Eyre* there, who within fifteen days took that Castle, and slew *Kemish* to whom before it had been betrayed. But *Pembroke* Castle was not so facile to be vanquished, and by *Poyer* deemed impregnable,
 who

who relying on the strength of the place refused all conditions, but *Cromwell* not enduring the repulse, with an assured confidence besieged it, and through the accommodation of *Sir George Ascue*, who furnished him with great Guns from the Sea, and all things necessary for a siege, forced *Poyer*, and *Laughton*, at the last being brought to extremity, (though it had been long stoutly maintained by them,) to surrender and deliver up the Castle without conditions, rendering themselves prisoners at mercy, for which deliveries by order of Parliament a publick thanksgiving to God was Solemnized.

And why should I now expostulate the question with the Welch whether they ever were conquered by the English; when as now the best and most knowing of them have ingeniously acknowledged that they were never conquered before.

Jamque habemus Conquitos victos.

But

But what may seem to be the cause why the insurrections of the Welch were so frequent, but that *Edward* the first contrary to the Roman Carbe upon his first conquest did admit all of them to the possession and inheritance of their Lands and goods, which would be ruled and governed by the common law of *England*, and did forbear to settle a Militia, or deduce Colonies among them, thereby to restrain them from future Commotions: which the Parliament of *England* prudently observing were induced to put in practise the old Roman rule.

Parere subjectis, & debellare superbos.

And ordained that all persons whatsoever that were in actual Rebellion in the said insurrections, and all other persons that have willingly by council or force assisted the same, or contributed any money's, horse or armes, ammunition, or other aid
or

or assistance thereof are adjudged delinquents, and that their estates be sequestred, and that the Commissioners named and appointed in the said ordinance or such persons as they shall appoint, do seize the estates real and personal of all and every the said persons, delinquents aforesaid, and also to make sale, receive and dispose of all and every the Goods, Chattels, Debts, Rents, and personal estates of all and every the said Delinquents, and let, set, and improve their Lands at the best rate they can, according to the ordinance of sequestration.

And on some of their leaders did they inflict capital punishment, therein also pursuing the justice of the antient Roman Empire, *Qui de J.B. & P. captis hostium civibus vindictam morali. 9. c. 11. te sumebant*, who did take revenge of the Captains of their enemies which were taken, by death, for which Constant the Son of Constantine is commended in the Panegyrick.

And further for the securing of the Parliament, and mutual defence and

and safety of each other, did they settle and constitute the Militia in those parts, which had a resemblance of the Roman Colonies: and at this present are there military Garrisons continued in the chiefest Cities of *Wales*, by which means ever since that countrey hath been kept and maintained in peace and tranquillity without the suspicion of any insurrection, and a constant unity settled between these two Nations.

The conquest of *Scotland* in regard of it's vicinity with *England* is in the next place to be considered, and especially for that deadly feud and perpetual wars have time out of mind raged between these two Nations.

Nam rara est inter eos pax dum *Hist. Brit.*
illi propagari, bi retinere imperium *fol. 7.*
student:

for peace was rare between them while they endeavoured to propagate their Empire, and these to retain it; which though the English for many Ages with all their skill and force have contended to vanquish, yet could they not until

G

these

these latter times accomplish. So difficult a task it was to conquer that valiant Nation, and by force to bring it to an union; for as the same Author saith, *Eadem utrisque in bello ferocia.* And as an other, *Genovirorum fortium fuit quam frugum feracior,* It was a countrey more abounding in proper men, then in goodly fruits. A fierce Nation indeed, which was never subjugated by the Romans; as *Tertullian* who lived in the second Age according to the Christian computation intimateth, saying: *Evangelium diffusum est in omnes orbis partes, etiam in Britanniam usque, eamque Insule partem, quam Romana vires nunquam penetrarunt,* The Gospel was diffused through all the parts of the world, also into Britany, and even into that part of the Island which the Romans never pierced, meaning that part of the Island which is now called *Scotland*; But the Romans attempting it, were continually rebutted and repulsed by them; and in fine were forced to frame walls,

Apolog.

walls, trenches and bulwarks, to defend their Province from their terrible incursions, which were first built by *Adrian*, as *Ælius Spartianus*; then by *Antoninus Pius*, as *Julius Capitolinus*; and thirdly by *Severus*, thereby to stop the furious invasions of the Scots, of which *Claudian* doth mention.

*Venit & extremis legio prætenta
(Britannia)
Quæ Scoto dat fræna truci.*

But whereas *Buchanan* a partial *De jure*
Trumpeter of his countrey praises, *regni apud*
saith; *Nos regnum exiguum quidem, Scot.*
sed jam bis mille annos ab exterarum
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Hollingshed.

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King *Edward* thus became the sovereign Umpire and supreme Judge of *Scotland*, to whom the Nobles as the King himself before had done, appealed for Justice against the King. And because King *Edward* would not permit King *Baliol* a Procurator, but caused him to defend his cause himself in the Ordinary place, in a rage at his return, he defyeth King *Edward*, renounceth his allegiance as illegally made without the Consent of the

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States. For which King *Balioll* being summoned to appeare at *Newcastle* and refusing to come, King *Edward*, triumphantly with a mighty army invaded *Scotland*: *Barwick* is first taken, and afterwards the Castles of *Dunbar*, *Roxberrough*, *Edinberrough*, *Sterling*, and *St. Johns*; and *John Warren Earle* of *Sussex* and *Surrey* is made *Warden* of all *Scotland*, *sir Hugh Cressingham* *Treasurer*, and *Bransly* *Chief Justice*, to take in his name the homages and fealties of all such as held Lands of the Crown and to be *General Guardian* of the whole Kingdom. And notwithstanding *Balioll* in Parliament with the consent of the States of *Scotland* did tender his submission, and did homage and swear fealty unto King *Edward* as his sovereign Lord, yet is he for his former infidelity secured and sent into *England*; but not long after though the Scots were without an head, their King being in *England*, and all their great men in captivity and subjection, yet they wanted

wanted not an heart to shake off servitude, and animated by one *William Wallis* a poor private Gentleman, though nobly descended, made an audacious and dangerous attempt, who with a forlorn and desperate rabble like himself, fell suddenly on the English Officers, and slew *Sir Hugh Cressingham* with six thousand English, recovered many Castles, and regained the Town of *Barwick*. And seconded by success so increased by ranging and rowling up and down, many of the nobler sort resorting to him, that within a short space his forces amounted to a copious and Warlike Army; and was in a propinque possibility to have freed his countrey from subjection, if the speedy succour of King *Edward* had not anticipated him; who removing his Court to *York*, and making that City his imperial Seat, (as the Roman Emperours heretofore did) that with the more convenience he might quell the insulting Scots, there raised an exquisite and choice Army

my, and with three thousand men of Armes on barded horses, and four thousand others armed on horse without bards; and with an Army of foot answerable, he encountered the confident Army of the Scots, who on the onset made such terrible shouts, that King Edwards Horse frightened therewith cast him off and brake two of his ribs, yet nevertheless he gets up again, goes on, and gains the victory. In which battel *Sexaginta Scotorum millia occisa fuerunt*, threescore thousand Scots were slain, as *William of Westminster* numbers them, among which there were two hundred Knights; whereupon a Parliament being called at *St. Andrews*, most of the great men of that Kingdome (except *Wallis*) who had escaped by flight, prostrated their homage and fealty to King Edward as their supream head and King, of which *William of Westminster* giveth this character,

*Arma parant Scotus regno dolet
(esse remotus.
And*

And King Edward the better to keep
 some in subjection, and deter others
 from insurrection, did confer most of
 the estates of the Earls and Barons of
 Scotland with their titles that stood
 out, on the English, as a reward of *Holling-*
 their valour and vertue. And now *shed Ed. 3.*
 it would seem that Scotland was
 quite conquer'd and subjected to
 the Crown of England, they having
 no King nor Heir in Scotland but
 the King of England. But as
Cambden saith, *est Natio servituti* *Cambd.*
Impatientissima, It is a Nation im- *Brit.*
 patient of servitude, and a breeder
 of stubborn and refractory spirits,
 wick to their power would not stoop
 to the English Yoke: for though they
 were twice overthrown by King
 Edward, and thrice swore fealty
 unto him, yet did they as many
 times falsify their faith, which in mi-
 litary affaires is principally to be
 maintained,

*Postremum est primumque tueri
 Inter bella fidem.*

And

In the
History
of the
reformati-
on of the
Church
of Scot-
land.

And now again go about to contrive new commotions, rejecting *Balioll* their natural King, for that he received the Crown upon condition to subject the Crown of *Scotland* to the Crown of *England*, for which they recalled their allegiance that they had given to him, and received *Robert Bruce* come of the second branch, for their King; because as one of their own writers saith, he had basely condescended to enslave that Nation, to whom their liberty had alwaies been so dear, that they have willingly and chearfully undergone all hazard of life and means; which if they should have suffered, they had nothing left whereby they might be called men: and consequently armed with this resolution, under their new head and King, forced all the Wardens of *Scotland* to retire to *Barnwick*, whereof as soon as the King heard, he sends the Earl of *Pembroke* and the Lord *Clifford* with a strong power to relieve the Wardens of *Scotland*, whilst he prepares a potent Army
to

to follow, making a vow that either alive or dead he would pour vengeance on the perfidious Scots. In which expedition, that magnanimous King falling into a sickness at *Carlisle*, adjured his son and all the Nobles about him upon their fealty, that if he died in this journey, they should carry his corps with them about *Scotland*, and not suffer it to be interred until they had finally conquered the Scots; As *Matthew of Malmesbury*, *Iussit corpus suum ibi remanere insepultum dum tota Scotia esset finaliter acquisita.* An heroick resolution worthy the spirit of a conqueror; but he that never stooped to enemy was forced to submit to Fate; and he that was alwaies victorious was overcome by death.

*Quæ sola ultricibus armis
Elatos animos frenat, quæ fortibus
(æquat
Imbelles, populisque duces.*

By whose immature obit the final
and

and entire conquest of Scotland was prevented, which in all probability might have prosperously succeeded, if the envious destinies had not stopped the success of his victories, or his succeeding son had been a trusty Executor of his Fathers Testament: but he resembled his Father in vertue no more, then Domitian did Vespasian, or Commodus Antoninus; and one day of his Fathers, as Tully said of Antony, was more to be desired then an whole Age of his. For he degenerating from his fathers worth, lost all by sloth and luxury; which his father had won by valour and industry; permitting the new Scotch King to take all the Garrisons and Castles in Scotland, and without resistance to enter the English borders, and to take and burn Towns; that unless he would suffer him to pull his crown from his head, he could doe no less then give him battel; and in a manner forced him for his honour to levy an Army, who like himself raised one
more

more fit for a court than a camp, which though it in number exceeded the Scottish Army, was by it shamefully defeated, the particulars and event of which would I could bury in oblivion, so much doth it eclipse the ancient glory of our Nation. Which singular victory so encouraged the Scots, that for the space of three hundred years they were emboldned almost without any intermission, to make War with the English, to their little losse and prejudice, and could never be thoroughly quieted and appeased, until the happy arrival of James the King of Scots to the crown of England, upon which ensued a blessed peace and union between those two discordant and belligerent Nations, an hopeful union of both Kingdoms under one natural Liege Sovereign; at which the Scottish Nation at the instant of his Majesties reign became Denisons, and the *Postuati* were naturalized Subjects of England from the time forward; and besides it was a conjunction

Bacon's
discourse
of that
union.
of

*C. 4. L. 7.
Calvins
case f. 15.*

of Allegiance and Obedience of the Subjects of both Kingdoms due by nature to their Sovereign, which in substance is but the uniting of the hearts of the Subjects of both Kingdoms one to the other under one Head and Sovereign, from which proceeded the union of protection of both Kingdoms, equally belonging to the Subjects of either of them.

Yet was not this Union so absolute but that there were many separations and distinctions between them, as that they were distinct Kingdoms governed by several judicial and municipal laws, and had distinct and separated Parliaments; for which reason the said King with all the forces and faculties of his mind, wherein he surmounted his Predecessors, endeavoured more entirely to cement and conjoin them, especially by laws, which are the sinews of Societies. For as Sir Francis Bacon, naturalization doth not take away the mark of a Forreiner, but union of laws makes us entire

entire as our selves, which taketh away both destruction and separation; and to that end called a Parliament without which it could not legally be brought to pass. For as Sir Edw. Coke, a King that hath a *Cok. lib. 7.* Kingdom by descent, seeing by the *Calvins* Laws of that Kingdom he doth not *case, f. 17.* inherit that Kingdome, he cannot change those laws of himself without consent of Parliament: which though solemnly propounded and ardently pursued by his Majesty in Parliament, as also vigorously and judiciously seconded by many of the ablest members of the house of Commons, yet were the subjects of this kingdome in this point so refractory and adverse to the subjects of the other Kingdome, that no union during that Kings raigh at any time, in any Parliament, though often times moved, could be voted, ordained, and established,

Augustis tamen excidit ausis.

H

And

And therefore this union lasted not long, for that it was not settled and perfected according to the aforesaid principles and rules : neither had it so long lasted, but that, that provident and circumspect King did conserve those two Emulous Nations in peace and unity, more by his magnificency and humanity, especially towards the subjects of the other Kingdome, then by the politick precepts of union: by whose debonarity and bounty, the Scottish mens minds were so closely bound and knit unto him, that as well in *Scotland* whilst the King was absent, no distast or discontent did break out among them, as also they forsook their stable confederacy with the French, which for many ages was the Source and Origin of implacable and bloody battels between the English and Scots; they being thereunto incited and assisted by the French: whereas whilst the King reigned, the Scots had little Correspondence with the French, and in civil comport seemed

ed to exceed the English, being ready with them chearfully to conjoyn their forces against the affronts of any enemy whether *Spaniard*, or *French*. In this peaceable posture and union did King *James* leave the *Scots* when he left this light; But his Sonne succeeding wanted his Fathers Kings craft, and became too rigid towards the *Scots*, and though he knew them addicted to the reformed Religion and the *Geneva* discipline, yet would he obtrude upon them a book of common prayer framed by the Arch-bishops and Bishops, wherein was contained several seeds of idolatry, superstition & false Doctrine as they averred; & also a Canon annexed thereunto, that whosoever should oppose the same should incur the pain of excommunication, with divers other canons fraught with errors and superstitions, which wonderfully inflamed the *Scots*, and exasperated them to raise seditions and to rebel against their King; for as *Daneus*, *propter mutatam a Prin-*

cipe vel publice vel privatim religionem patriam & ob peregrinam susceptam, populus saepe a principe desiscit, For the changing of the Religion of ones Countrey publickely or privatly by the *Prince*, and imposing a strange one, the people doe often rebel against their *Prince*, as here it hapned; which they managed with such violence and confidence, that a royall and terrible army of the English could not fright or dismay them, but cunningly by degrees drew the English into their faction, who unanimously conjoyning did eradicate the Hierarchy of Arch-bishops, Bishops, their jurisdiction, book of common prayer and canons and the like trumpery in both Kingdomes, and for many years adhered to the Parliament, and maintained a defensive War against those evil counsellors as seduced and withdrew his Majesty from his Parliament. But in the end the Scots fell into variance with the Parliament for many particular propositions concerning the interest
and

and power of the King, and chiefly for going about to diminish the just power and greatness of his Majesty, which they by their covenant (as was by them pretended,) their allegiance and duty as subjects were obliged to support; and thereupon in a grievous discontent without taking their leaves left *England* and quite deserted the Parliament. But not long after the fatal doom and death of the King evening, which was juridically inflicted on him for his tyranny, to prevent succeeding tyranny; the Parliament was necessitated to the alteration in Government, and to the settling the Government in a way of a free state, which according to the practise of the Romans (whom in this tractate we have chosen for a precedent) was adjudged convenient and conduible for the good of this Nation, as it was for theirs, when for the tyranny of *Tarquinius Superbus*, they did change their royal rule into a free commonwealth: neither doth such a transmutation alter the sub-

As in the
Declara-
tion of
Parlia-
ment is
exp^{re}s^sd.

Grotius

de I. B. &

l. 2. c. 9.

stance and essence of a state, for the form of a commonwealth or city being changed, the commonwealth or city remaineth the same, *Neque enim* (as Grotius saith) *refert quomodo gubernetur an rege, an plurimum, an multitudinis imperio. Idem enim est populus Romanus sub Regibus, Consulibus, & Imperatoribus.*

Neither is it material how it is governed, whether by a King or by the command of more, or a multitude; but the formal difference consisteth in the quality and vertue of the Governours: for as learned and Judicious *Patricius* (who was born in a free City and did compose two elaborate and accurate *Volumes*, the first being in commendation of a free State, and the second in praise of Principality, comparing the one with the other) affirmeth, that if a Commonwealth be governed by one good man, that kind of Government, as it was the first so it is the best; but if through the vices and tyranny of the Prince, it be devolved into a free State, such

Patric. de

Rep. l. 1.

tit. 1.

such Government is also to be approved and extolled, lest the people being factious, and carried away with lust and avarice, ruine the estates of the best deserving Citizens and will not be satisfied without the effusion of blood, or banishment; which as the same Author saith was the overthrow of the *Athenian* Commonwealth, and concludeth with the determination of *Xenophon*, *Omnes civiles civitates vitio eorum ruere, qui illis præsunt*, that all civil Cities are ruined by the vices of those that have authority over them; for if they be rightly governed they may be *omnino perpetuae & immortales*, also ether perpetual, and immortal. But to return to the point whence my Pen started, the Scots incensed with the dismal and ignominious death of their King, and total deprivation of his issue from the inheritance of the Crown of *England*, began to muster up in their mindes hostile thoughts of revenge, and to dream of the conquest of *England*, they having a

Pat. ic. de
princ. l. 1.
tit. 3.

title to it by their King, and
 many Cavaliers and Royalists
 dormant in that State vigorously
 to assist them. And therefore his
 Father being deprived of this life,
 they treated with CHARLES
 his Son and Heir, being then in
 Forreign parts, upon certain Pres-
 byterian Covenants, to come and
 succeed his Father in that Crown;
 which he accepting, was royally by
 them received, and solemnly crow-
 ned KING of Scotland. And
 now the Scots proud of their Na-
 tive King, he being indeed a gallant
 Gentleman, and by reason of the
 civil Wars brought up in the field of
 Mars, began to prepare an Army
 for the Invasion of England; of
 which the circumspect Parliament
 having intelligence, all the actions
 of the Enemy being as equally
 known to them as their own; to pre-
 vent the imminent danger which
 was esteem'd great, (they being una-
 nimously united under one Head,
 who before were divided, and be-
 sides aided by forreign Princes,)
 upon

upon a serious debate created *Oliver Cromwell* for their General, as a man equivalent to so perilous a Design; who *Elatuſ gaudio* (as *Sueton.* *Cæſar* was when by the conſult of the Senate he was decreed to march againſt the *Gaules* the ancient terror of *Rome*) (to give him his due, without envy or flattery) with the *Cæſarean* celerity, and a compleat and well diſciplined Army marched up into the bowels of *Scotland*, wiſely projecting to make it the miſerable Seat of War, and by provoking the Enemy to increaſe confidence in his *Commilitons*, and to diſhearten theirs; with whom was conjoined Lieut. Gen. *Lambert duo fulmina belli* who in the end thundered them all in pieces: but they in the beginning, though exceeding them in number, would not adventure to hazard a battel, but endeavoured by *Fabian* cunctations and deprivation of neceſſaries to weaken and diminiſh their forces, continually retreating and drawing them into mooriſh and unſound places

places, whereby many perished; and divers fell into pernicious diseases, so as the General was constrained to retire with the reliques of his Army towards the Sea, with an intention to ship them for *England*; which the numerous Scottish Army conceiving, being well accomplished and furnished with sound and able men, and sufficient necessaries, pursued them at the heels, and having cooped them up within a Nook of land and encompassed them within the Arms of the Sea, thinking themselves sure of spoil and victory, they boldly offered them battel: which the General and *Lambert* his Lient. General, though environed with desperate extremes, cheerfully and courageously embraced (*Clausis in desperatione crescit audacia*) and with more then ordinary vigour and audacity, piously excited their Comitons being but a wearied and sick handful of men to that desperate encounter, who resolving to die or gain the victory rushed with them into the battel: And the General

*Veget. de
re mili-
tari, l. 3.*

neral animating the Foot, and the Lieut. General *Lambert* the Horse, under the Word and Name of the Lord of Hosts, obtained a glorious and wondrous Victory, most of that mighty Army being slain, or taken prisoners,

Dignos laude viros Musa vetat
(*mori.*)

Whereas if the Scots had permitted them to passe, and not forced them to fight upon such desperate straits, and followed the military precept, *cum desperatis non est pugnandum*, they had made an inglorious return, and the Scots had gained a fortunate opportunity upon a consequent Invasion to have subdued England.

Δις δ' ἰσχυίῳ βουλῇ.

Homer.
Ib. ad. 1.

But God's will was done, and the General skilful how to use his Victory, with his victorious Army like an irresistible inundation over-
ran

ran the whole Countrey, took *Edenburgh*, and the Castles of *Leith*, *Dundee*, *Brent Island*; as also *St. Johnstons*, and *Sterling Castle*, a place of incredible strength, and in conclusion forced their hopeful KING, with the remainder of his forces secretly to fly into *England* for Refuge, upon vain hopes of second supplies; but by the divine providence being prevented, and stopping his course at *Worcester*, was by the invincible General, and his couragious Com-militons, who with tedious and irksome marches at the length overtook him, totally defeated and utterly vanquished: many Nobles of *Scotland* being taken, and committed, with many thousand other inferior persons. By which Victory the conquest of *Scotland* was absolutely accomplished, and ever since hath been subject to the Commonwealth of *England*; which by vertue of that conquest have therein Placed Garrisons and English Colonies, according to the Roman Rule
to

to contain them in subjection, peace and union. But to apply my Pen to the other rule which is the union by laws; and though it is in the power of the Conqueror at his pleasure to alter and change the laws of the conquered Kingdom, and that without a Parliament as *Edward* the first did by his Charter of *Rutland*, but until he doth make an alteration of laws, the ancient laws of that Kingdom do still remain; yet certainly it is the greater victory to alter and change the Laws of the conquered with their consent, that there may be a more intimate and intire union between them. And therefore did the Parliament in *December, 1651.* to the end that the people of *Scotland* should be united with the people of *England* into one Commonwealth and under one Government, send Commissioners into *Scotland* to invite the people of that Nation unto such an happy union; who proceeded so far therein, that the Shires and Burroughes of *Scotland* by their deputies

Cot. L. 7.
Calvins
case f. 17.

puties appearing at *Dalkeith*, and again at *Edenborough* did accept of the said union and assent thereunto: which was seconded by the late Protector of the Commonwealth of *England*, who by the advice of his council ordained, *April 5. 1654.* That all the Dominions of *Scotland*, of the Isles and Territories thereunto belonging, are and shall be, and are hereby incorporated into, constituted and confirmed one Commonwealth with *England*, and in every Parliament held successively for the said Commonwealth, thirty persons shall be called from, and serve for *Scotland*, which Ordinance was confirmed by the Parliament in the year 1657. So many Knights, and Burgeses, as before was expressed, who were called and summoned according to the said Ordinance, were admitted to sit in the said Parliament, and did vote & joyn with the English in the making and enacting of Laws; which Laws so made, or hereafter to be made by them in Parliament, do bind and oblige

oblige the Commons of Scotland, as well as the Commons of England; because the Knights and Burgeses of both Countries, being chosen by the Assent of the Commons of either Countrey, do represent the estates of the severall and distinct Commons of either Countrey: And therefore as St. German saith, every statute there made, is of as strong effect in law, as if all the commons were then present personally at the making thereof. There are many more particular clauses in the aforesaid Ordinance contained, which concur to the more full effecting of the said union, all which I refer to the consideration of the supreme council of this Nation. And though the constitutions of the countreys of England and Scotland be such, that there can hardly in all things be such an absolute reconciling and uniting of their laws, no more then there hath been between other country's subject to the obedience and allegiance of the Kings of England; as Normandy and Aquitany, had severall laws

Doct. &c.
Sind. li. 2.
s. 46.

lawes different to the lawes of *England*; *Garnesey* and *Jersey* have yet their severall lawes, which for the most part were the antient lawes and customs of *Normandy*; *Kent*, and *Cornwall* have also their severall Laws and customs, and so hath the county *Palatine of Chester*: yet do not these severall Laws make any differences in matter of subjection and obedience, and are no markes of disunion or severall allegiances.

Discourse
of the
union of
England,
and *Scot-*
land.

Howsoever as *Sir Francis Bacon* saith, it is to be wished that the *Scottish Nation* was governed by our Lawes which with some conducement are worthy to govern if it were the world; or else that *Scotland* be in the like degree and conditions with *Wales*, as hath been for many hundred years; those Laws and customs onely being in force, which are reasonable and agreable to the Laws and customs of *England*, for it is a matter too curious to extirpate all particular customs which are consonant to reason, and it sufficeth that there be

be a uniformity in the fundamental Laws.

For language it is not needful to insist upon it, because both Kingdomes are of one language, though of several dialects, and the difference is so small between them, as Sir Francis Bacon saith, that it promisceth rather an enriching of our *Ibid.* language than a continuance of two; so as it may seem convenient that as they Originally participate of one language, they should likewise be under one Government, as heretofore by ancient Histories they are reported to have been; which is now revived and like to continue, the premised Roman rules being observed.

But now to waite *Englands* conquering forces over into *Ireland*, which though it was first conquered is placed in the Arrear, for that it is more remote, and separated from it by the Sea; yet is it by *Ptolomy* stiled *Britannia Minor* as an adjacent Island, and is another *Brittain*, as *Brittain* is said to be another world,

it being not inferiour to any part
 of Britanny for affinity and fertility,
 as Tacitus, *solum, Cælumque & inge-*
Vita Agr. nia bant multum a Britannia diffe-
runt. And indeed is endowed with
 many dowries of nature, with the
 fruitfulness of the soyl, and plenty
 of all provision, with the ports,
 the quarries, the woods, and other
 worthy materials. But yet it is un-
 der question what King first subju-
 gated that Island, Sir Edward Coke
 maketh mention of an antient
 Charter of King Edgar, in which
 Cokes pre. he blesteth the almighty and om-
 nipotent God for all his victories,
 I. 4. 4th Book of Reports. and that he had subjected all the
 Kingdomes of the Island of the Sea
 unto Norway with their fiercest
 Kings, and the greatest part of
 Ireland, with its most noble City of
 Dublin, to the Kingdome of Eng-
 land: and Henry of Huntington
 saith, there were five Kingdomes
 in Ireland, of which the great or
 greatest part was conquered by
 Cambd. King Edgar, which Cambden also
 Brittan. affirmeth, *Quod maximam Hibernie*
partem

partem devicit, yet because Henry the second made a more absolute conquest of it, the honor of that conquest is ascribed to him, and was the first was intituled *Rex Angliae, Dominus Hiberniae*; and as Henry of Huntington Historieth it, at his Arrival with a potent Army into Ireland, the King of Cork, the King of Limmerick, the King of Oxery, and the King of Metb submitted themselves to his summons, recognizing him to be *totius Hiberniae dominum*, (only the King of *Cozagh* stood out) which Pope Alexander confirmed to him and his Heirs, and which afterwards by his power was possessed, and detained by English Colonies.

Yet was there no alteration of their Lawes till the reign of King John, who as Sir Edward Coke saith, in the twelfth year of his reign went into Ireland, and there by advice of grave and learned men in the Laws whom he carried with him, in a Parliament *de Communi omnium de Hibernia consensu* enjoyned and established, that Ireland should

Cole. Com. be Governed by the Laws of Eng-
f. 1. a. 6. land, which he left in writing under
 his seal in the Exchequer of Dublin,
 and which afterwards was confir-
Davis rep. med by the Charter of Henry the
f. 37. a. 6. third, in the thirtieth year of his
 reign, wherein is declared, that for
 the common utility of the Lands in
Ireland, and the unity of those
 Lands, that all the Laws and cus-
 toms that are holden in the King-
 dome of *England*, be holden in *Ire-*
land; and that the same Lands be
 subject to the same Laws, and be
 ruled by them, as King *John* when
 he was there did firmly enjoin; and
 therefore willed that all the writs of
 the common Law, which run in
England, likewise run in *Ireland*:
 and accordingly was it resolved
Trin. 13. Edw. 1. Coram rege in
Theaurio in longo placito, that the
 same Laws ought to be in the King-
 dome of *Ireland*, as in the King-
 dome of *England*: and therefore as
 Sir *John Davis* saith, every County
Davis rep. *Palatine* as well in *Ireland* as in
f. 6, 7. B. *England* was originally parcel of the
 same

same Realm, and derived of the Crown, and was alwaies governed by the Law of England, and the Lands there were holden by services and tenures, of which the common law took notice, although the Lord had a several jurisdiction, and a signiory separated from the Crown; upon consideration of which Sir Edward Coke inferreth this conclusion, that the unity of Laws is the best means for the unity of Countries as before hath been premised. Coke Com.
f. 14. B.

Yet many of the Irish soon after, absolutely refused the English Laws, preferring their Irish customs, which they call their *Brehon* Law, because the Irish call their Judges *Brehons*; and therefore in the Parliament Anno 40. Ed. 3. In the Parliament holden at *Kilkenny* in *Ireland* before *Lionell* Duke of *Clarence* being the Lieutenant of that Realm; the *Brehon* Laws were declared to be no Law, but a lewd custom, which for that reason were abolished, *Quia malus usus est abolendus.* Coke ib.

DAVIS re-
ports, f. 39^a

And though that by that statute the *Brehon Law*; which was the common Law of the Irish, was declared to be no Law, yet was it not absolutely abolished among the meer Irish, but only prohibited and forbidden to be used among the English race, and the meer Irish were left at large to be ruled by their barbarous customs as before: And therefore for that by those customs, bastards had their part with the legitimate, & women were altogether excluded from *Dower*, & that the daughters were not inheritable, though their Fathers dyed without Males; by the same statute it was Enacted, that no compaternity, Education of Infants, or Marriages, be made or had between the English and others in peace with the King, with the meer Irish. And though the statute made by King *John* in *Ireland*, and the Ordinance and writ of King *Henry* the third were general, yet is it manifest by all the antient Records of *Ireland*, that the Common Law of *England* was onely put in execution in that part of *Ireland*, which was
reduce

reduced and devided into counties *Vid. Davis*
 and possessed by the English Colo- 39. a. o.
 nies, and not in the Irish Counties
 and territories which were not re-
 duced into Counties until the time
 of Queen Mary, and Queen Eliza-
 beth. For King John made but
 twelve Counties, but the other pro-
 vinces, and territories which are
 divided into 21. Counties at large,
 being then inhabited for the most
 part by meer Irish, were out of the
 limits of any Shire ground by the
 space of three hundred years after
 the making of the former twelve
 Counties, for it was impossible that
 the common Law of England should
 be executed in those Counties, or
 territories; for the Common Law
 of England cannot be put in execu-
 tion where the writ of the King doth
 not run, but where there is a Coun-
 ty and Sheriffe or other Ministers
 of the Law to serve, and return the
 writs of the King: and for this cause
 were the meer Irish out of the pro-
 tection of the King, because the
 Law of the King, and his writs as

Littleton. Tom.
f. 43.

Littleton saith, are the things by which a man is protected & aided; and therefore the meer Irish, (who had not the benefit of the Law until the time of Henry the eight) where any mention is made of the Wars of Ireland are called enemies, & the english rebels but by the 33. H.8. c.1. by which it is recited that because the King of England did not assume the name & stile of King, the Irish Inhabitants have not been so obedient to the King of England and his Laws, as of right they ought to have been; It was Enacted that King Henry the eight, his Heirs and Successors shall be for ever Kings of Ireland, and shall have the name stile and title of the King of that land, with all the honors, prerogatives, and dignities, appertayning to the State and Majesty of a King, as united, and annexed to the imperiall Crown. After which royall union the said difference of the English rebels and Irish enemies is not to be found on Record, but all those meer

meer Irish were afterwards reputed
 and accepted subjects and Leigemen
 to the Kings and Queens of *England*,
 and had the benefit and prote-
 ction of the law of *England*.
 And afterwards the Irish were more
 averse from Rebellions, and more
 ready to forsake their *Brehon* laws
 and to be ruled by ours, the stile
 and title of the King of *Ireland* be-
 ing more pleasing & acceptable to
 them then Lord of *Ireland*; the one
 denoting a tyrannical & arbitrary
 Government, & the other a limited
 power according to law and equity. *Tholof.*
Syntag. li.
13. c. 1.
 For such Princes as arrogate to
 themselves the name of Lords, seem
 to usurp an arbitrary and plenipo-
 tentiary power over their subjects,
 which are Proprietors of nothing
 but at the will of their great Lord.
 And therefore did the wisest of the
 Roman Emperors refuse to take up-
 on them that arrogant and absolute
 title, it properly appertaining only
 to God: but under a King the
 subjects are free men, and have pro-
 perty in their Goods and Frank te-
 nements and inheritance; who
 doth

Davis f.
40. B.

doth not domineer over them according to his will and pleasure, but ruleth them according to Law, for as *Bracton*, *Non est Rex ubi domi-*

Lib. 1. c. 4. natur voluntas, & non Lex.
fol. 9.

And accordingly the Kings and Queens of England to the intent that the Laws of England might have a free course in and through all the Realm of Ireland, (as is expressed in the statute of 11. *Eliz.* c. 9.) did they provide in several Parliaments to wit, 3. & 4. *Pb.* and *Mary* c. 3. and 11. *Eliz.* c. 9. that Commissions should be awarded to reduce into Shires and hundreds all the Irish Land which were inot Shire ground before. And according to it in the several Governments of *Thomas Earl of Suffex*, *Sir Henry Sidney* and *Sir John Perott*, not only the Irish territories in the confines of *Lemster*, but also the entire provinces of *Conagh* and *Ulster*, being out of all Shire ground before, were divided and distinguished into several Counties and hundreds, & several Sheriffs, Coroners, and justices of peace, and other Officers and Minister

Ministers of the Law of *England* have been from time to time constituted in those Counties, by several patents and commissions under the great seal of *England*: and by this means has the common Law of *England* been communicated to all persons and executed throughout all that Realm for many years passed; and so continued unto the reign of the late King *James*, who also by a special proclamation in the third year of his reign, declared and published that he had received all the Natives of the Realm of *Ireland* into his royal protection, &c. By which it was clearly resolved, that the common Law of *England* was established universally throughout the Realm of *Ireland*, and that all persons and possessions within that Realm ought to be governed by the rules of that Law, and that every subject shall inherit his Lands in *Ireland*, by the just and honourable law of *England*, in that manner and by the same law that the King inherited the Crown of *Ireland*: and by these

these degrees was the common law of *England* introduced and established in *Ireland*.

And in the same year of that King accordingly, it was by the special order of the deputy of *Ireland*, and the justices resolved and declared, that because all the Irish counties

Vid. Davis and the Inhabitants of them were to
re. f. 51. 52 be governed by the rules of the common law of *England*, the Irish customs were void in law, not only for the inconvenience and unreasonableness of them; but for that they were meer personal customs and could not alter the descent of inheritance. For all the possessions of the Irish territories (before the common law of *England* was established) did run either in the custom and course of *Tanistry*, whereby every Lordship or chieftie with the portion of land which did pass with it, did go without partition to the tanist and not to the next Heir of the Lord or chieftie, but to the elder and more worthy of that lineage, who oftentimes was removed
 and

and expelled by another, who was more active and more strong then he. Besides the wives of the ligniory claimed to have a sole property in a certain portion of goods during the coverture, with power to dispose of them without the assent of their husbands: Or in the course and custom of Gavel kind, whereby all the inferiour tenancies were partible among the males, in this manner; the Causeny or chief of that lineage who was commonly most ancient, after the death of every tennant which had a competent portion of land, did assemble all of that lineage, and having put all their possessions in Hotch Potch, did make a new partition of all, in which partition he did not assign to the Sons of those that dyed the portion that the Father had, but he allotted to every one of that lineage according to his Antiquity the more and greater part; by whom also a new partition upon the death of every inferiour Tenant was made at his will and discretion. And so by reason
of

of those frequent partitions and translation of Tenants from one portion to another, all the possessions were uncertain, and the uncertainty of the possessions was the true cause that no civil habitations were erected, no inclosure or improvement was made of Lands in the *Irish* counties where this custome was in use ; especially in *Ulyster*, which seemed throughout to be a Wilderne's before the new Plantation made by the *English* Undertakers there.

Also by that custome bastards had their purparty with the *English*, the women were utterly excluded from Dower, the daughters were not Inheritable though their Father died without Issue male : and therefore for the aforesaid inconveniences and unreasonableness of those customes, were they utterly abolished; As the customs of Gavel kind in *North-Wales* by *Edward* the first and *Henry* the 8. which were semblable to the customs of the *Irish* : and therefore was it adjudged that
the

the lands in *Ireland* should descend according to the course of the the common law, that women shall be endowed, that daughters shall be inheritable for defect of issue male; and the property of such goods should be in the *Irish* Lords and not in the feme coverts according to the *Irish* usage : which resolution of the Judges, by Order of the Deputy was registred among the acts of the Council; but this provision was added to it, That if any of the meer *Irish* had possessed and enjoyed any portion of land by these customs, before the commencement of the reign of the late King *James*, that he shall not be disturbed in his possession, but shall be continued and established in it; but that after the commencement of his reign, all lands shall be adjudged to descend to the Heirs by the Common Law, and shall hereester be possessed and enjoyed accordingly. And yet were not the laws of *England* fully and rotally established in *Ireland*, one of the main triangles of the laws

Cok. Com.
on Litt.
 110. B.

laws of *England* being yet excluded, for as Sir *Edw. Coke*, the laws of *England* are divided into common Law, Customs, and Statute law; and though the common law of *England* was introduced, and the *Irish* customs abolished in *Ireland*, yet were not the Statutes made in the Parliament of *England* current in that countrey; for the Land of *Ireland* had Parliaments, made Laws and changed laws, and those of that land were not obliged by the Statutes of *England*, because they did not send Knights to it, as Sir *Edw.*

Cok. Com.
 f. 141. B.

Bacon

Hen. 7. f.
 138.

Coke observeth. And though Sir *Edward Paynings* having both Martial and Civil power given him by the commission of *Henry* the seventh above the Earl of *Kildare* then Deputy of *Ireland*, called a Parliament in *Ireland*, wherein was made that memorable Act, which at this day is called *Paynings Law*, whereby all the Statutes of *England* were made to be of force in *Ireland*; yet before they were not, neither are any now in force in *Ireland*, which were made

made in *England* since that time; but have had Parliaments since holden there, wherein they have made divers particular Laws concerning the Government of that Dominion; wherefore in this particular *Ireland* was still a Dominion divided, and separated from *England*, and the union between those two Nations in that respect not absolutely perfect; and therefore did it seem a worthy Act in the late Protector to have ordained by the advice of his Council, that thirty Knights and Burgeses out of *Ireland* should be elected to sit in the Parliament of *England*, thereby to oblige those of that countrey to be subject and obedient to our statute as well as our common Laws, that as we are one and the same commonwealth, so we may be governed by one and the same Laws, and they participate of the same honours and priviledges, which is the surest means for the consolidation of such a union; for the more entire the union is, the less apt will they be

K

upon

any occasions to break, and the imperfection of such a union being oftentimes the Origine and cause of Revolts : a direful example of which is recorded in the Annals of the Roman Republick, which as it was the best estate in the world, so is it the best example ; which as in the fronspice we have followed, so will we not forsake to the end.

Anus Martius was the first that conquered the Latins, who having by force taken many of their Towns, received many thousands of them into the City of *Rome* as one body, but because they were not equally intreated, they joyned Armes with the *Tarquinians* against the people of *Rome*, and though after a bloody battail they were reunited, yet was not that union durable, because not entire ; for that the people of *Rome* had not inserted them in their Tribes, nor admitted them to participate of their immunities and honours ; for which reasons the Latins conceiving themselves to be undervalued and vilified, were bold

bold to demand the freedom of the city of Rome, and that one of their consuls be of their countrey, which being denyed they converted their demands into Armes. Yet afterwards being again reconciled, upon hopes to be enfranchised; first by *Fabius Flaccus* one of the consuls who attempted the prorogation of the Law though impeded by the Senate, and afterwards by *Livius Brusius*, who was also opposed by the people: at which exasperated seeing themselves deluded, they made an association with the *Hetrurians* and the *Sabins*, who because they were all by affinity of promiscuous marriages consanguineans, and as *Florus* saith, *Florus*
unum corpus with the people of *Rome*, and that they had augmented that city by their valour, and yet were despised, they jointly made War against the City of Rome, as well those who lived in the City, as those who abided in *Italy*, which was called *Bellum sociale*, but indeed *bellum civile*, a civil and destructive War both to

l. 3. c. 18.

Ibid.

the people of *Rome* and the Cities of *Italy*, that as *Florus* saith, *Nec Annibalis, nec Pyrrhi fuit tanta vastatio*, the devastation and depopulation of *Hanniball* and *Pyrrhus* was not soe great, such were the fatall fruits of an imperfect union. Whereupon the people of *Rome* instructed by sad experience did condescend to a more intire union with them, and permitted them to participate of the priviledges and honors of *Rome*, being according to their worth preferred and placed in the Senate; which *Claudius* in *Tacitus* urgeth in the like case, for the bringing in of the chiefeſt of the *French* into the Senate in these words, *Neq;*

Tacit. l. 11. enim ignoro Iulios Alba, Caruncanios Camerio, Portios Tusculo, & ne vetera scrutemur, Etruria, Lucaniaq; & omni Italia in Senatum accitos. Cetera quis nescit? And needs no application.

But in this case the sovereign use of the Law hath almost made me to omit the necessity of Arms, and to demonstrate how through the insufficiency and debility of English Colonies

Colonies and the *Militia* in *Ireland*, a detestable and infernal design was hatched and contrived by the rebellious and bloody Papists, whereby all the Forts and Magazines in that Kingdom were to be surprized in one day, and all the English Protestants massacred, and all *Ireland* in one day to be lost, had it not through the providence of God, the very night before been discovered by one only Irish man, servant to one Sir *John Clotworthy* whom *Macmahon* had unadvisedly trusted with the Plot: by which *Dublin* was saved and the seizure of the Castle, the Kingdoms chief Magazine prevented, to which purpose many rebels of great note came to the City the day before, who upon the apprehension of *Macmahon* escaped with the Lord *Macquire* that night, to do more mischief; & with the rest of the conspirators that were that day in all the country round about, within two months space murdered 200000 protestants; many of them being

by intollerable tortures brought to their end, besides infinit numbers who were robbed and spoiled of all they had, and daily driven naked and almost famished to *Dublin* for reliefe; with whom the City was soe filled that they were enforced for the preservation of themselves and the lives of their wives, children and families, to fly for succour into the severall parts of the Dominions of *England* and *Wales*,

Sonnet
T. yest.

*Omnia scelus credibile in aro
Quodq; posteritas neget.*

It equalling, if not exceeding in number and cruelty, the execrable and perfidious Massacre of the Protestants in *France* and *Paris*. For *Ireland* being destitute of a Deputy and military guards, *Hinc Hibernie calamitas*: the Lord Justices, Sir *William Persons*, and Sir *John Borlace* were driven to take those Arms which they found in *Dublin*, and to arm whom they could of a sudden to defend themselves and the places

places near, against the approach of the enemy. In this dangerous streight and perillous condition did the estates of the English in *Ireland* stand, who for want of a settled station of English Colonies were at the point to have lost themselves, and that Countrey; for the English were so involved in homebred civil Wars, that the Parliament of England for a present aid could send them but twenty thousand pounds, and though afterwards, they transported some Regiments, yet for the space of ten years were they unable to free that countrey from that malignant and pestilent enemy. The *Trojan Wars* being incomparable to it for cruelty, for through our daily discords and distractions their cursed cruel crue continually augmented almost to the overwhelming and destruction of the English. But when all the malignants were quelled in *England*, and the Royalists debelled in *Scotland*, and that *Dublin* was besieged by the Irish with a formidable

Army and in danger of a surrender, General Cromwell was sent by the Parliament of *England* to relieve *Dublin*, and suppress the Irish Rebels; at whose approach Colonel *Jones* encouraged, made an unexpected and suddain sally on the enemy, and valiantly repelling them, put them all to flight; which the General pursuing, within a short space by sharp sieges regained those strong Towns and Garrisons which the Irish had surreptitiously surprized, and by degrees cleared the countrey of such seditious Irish as seduced and corrupted the well affected of that Nation, and having settled it in peace and safety, at his return was honoured with the thanks of the Parliament.

And now the provident Parliament apprehending it more safe and advantageous to prevent commotions than to suppress them, ordained and appointed English Colonies to be deduced into *Ireland*, which they committed first to the charge of Lieutenant General *Ireton*, and after

after his death to the Marſhalling of Lieutenant General *Charles Fleetwood*, who afterwards for his ſingular care and vigilancy was by the Lord Protector made Deputy of *Ireland*, both of them being ſucceſſively Commanders in chief of a competent Army, and of all the Garrisons ſufficiently fortified; and to ſtrike the more terror into Delinquents, they cenſured the ring-leaders of that Rebellion with Capital puniſhment, *Ut pena ad paucos, metus ad omnes perveniat.* And conſiſcated all the lands and goods of ſome, and ſequeſtrated others to the uſe of the Commonwealth, by which Roman Model, *Ireland* ever ſince hath been ruled and preſerved in peace and unity, the Engliſh language alſo being through continual commerce the common ſpeech among them. Esk. Com.

To draw all to period. By this I hope it is made perſpicuous that unions of Kingdoms upon conqueſt, upon which baſis the moſt parts of ſuch unions have been founded, being pur-

purchased by valour, are possessed and settled by the sweetness of clemency, power of Armes, severity of Laws, and communication of language, which is fully demonstrated by that universal union of the Roman Orb, as by the particular union of *England, Wales, Scotland, and Ireland*, which is by those means so compleatly perfected, and by the prowess and prudence of the Parliament and it's Conquering Champions settled, that as it was worthily vowed by the late King *James*, *faciam eos In gentem unam*, which indeed he did endeavour to have effected; so it may be truly averred of the Common-wealth of *England*, *Quod fecit eos in gentem unam*, that it hath made those several Countries one Nation, which the premised Roman course being observed, may so remain and continue, *Dum cælum & stelle eandem rationem obtinent*, whilst the Sun and Stars run the same course.

With this hypotheticalal caution, if union be fostered and cherished
among

among our selves, and ambitious and envious discord inuened, which as a swelling and eminent Rock, dasheth in pieces, the firmest commonwealth approaching it, & which was the ruine of the Roman commonwealth it self as the *Venusine Poet*.

Suis & ipsa Roma viribus ruit.

Hor. e. 15.

And therefore let us lay aside all occasions of diffidence and suspicion which may breed discord and dissention, and remember the animadversion of *St. Paul*, that if you bite and devour one another, take heed you be not consumed one of another; for *humana Consilia Castigantur, ubi diuinis preferuntur*.

Thus hath the Author rudely woven a difficult work, which deserves a finer thread and a neater Artist, yet proposing truth for his end, he hopeth it may countenance the simplicity of the stile, for *veritatis* *Coh. li. 10.* *sermo simplex* and his labour whatsoever it is, for the profession of truth *Tacit.* *aut laudatus, aut excusatus erit, yet Agr.* respecting

(140)

respecting himself, he is so far from
the imagination of praise, that he
shall conceive himself favourably
dealt withal, if he may find par-
don for his presumption.

FINIS.

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